

1 A bill to be entitled
 2 An act relating to public records and public meetings;
 3 amending s. 119.01, F.S.; clarifying general state policy
 4 on public records; amending s. 119.07, F.S.; conforming
 5 cross references; making editorial and conforming changes;
 6 transferring exemptions from public records requirements
 7 under said section to indicated sections of Florida
 8 Statutes; amending s. 119.071, F.S.; transferring
 9 exemptions from public records requirements under s.
 10 119.07(6), F.S., to said section and reorganizing the
 11 exemptions under the classifications of "Agency
 12 Administration," "Agency Investigations," "Security,"
 13 "Agency Personnel Information," and "Other Personal
 14 Information"; making editorial and conforming changes;
 15 transferring and amending s. 119.0721, F.S.; transferring
 16 exemptions provided for social security numbers to s.
 17 119.071, F.S.; making editorial and conforming changes;
 18 deleting obsolete language; creating s. 119.0711, F.S.;
 19 transferring exemptions under s. 119.07(6), F.S., to said
 20 section and reorganizing the exemptions under the
 21 classification of "Executive Branch Agency Exemptions from
 22 Inspection and Copying of Public Records"; making
 23 editorial and conforming changes; creating s. 119.0712,
 24 F.S.; transferring exemptions under s. 119.07(6), F.S., to
 25 said section and reorganizing the exemptions under the
 26 classification of "Executive Branch Agency-Specific
 27 Exemptions from Inspection and Copying of Public Records";
 28 making editorial and conforming changes; creating s.

29 119.0713, F.S.; transferring exemptions under s.
 30 119.07(6), F.S., to said section and reorganizing the
 31 exemptions under the classification of "Local Government
 32 Branch Agency Exemptions from Inspection and Copying of
 33 Public Records"; making editorial and conforming changes;
 34 amending s. 119.15, F.S.; revising standards and
 35 guidelines for the review and repeal of exemptions from
 36 public records and public meetings requirements pursuant
 37 to the Open Government Sunset Review Act; making editorial
 38 and conforming changes; creating s. 112.31891, F.S.;
 39 transferring exemptions under s. 119.07(6), F.S., to said
 40 section and reorganizing the exemptions under the
 41 classification of "Investigatory Records"; making
 42 editorial and conforming changes; creating s. 27.7081,
 43 F.S.; transferring provisions relating to capital
 44 postconviction public records production under s. 119.19,
 45 F.S., to said section; amending ss. 27.708, 101.5607,
 46 112.533, 119.011, 286.0113, 287.0943, 320.05, 322.20,
 47 338.223, 401.27, 409.2577, 633.527, 794.024, and 1007.35,
 48 F.S.; correcting cross references; providing an effective
 49 date.

50
 51 Be It Enacted by the Legislature of the State of Florida:

52
 53 Section 1. Subsection (1) of section 119.01, Florida
 54 Statutes, is amended to read:

55 119.01 General state policy on public records.--

56 (1) It is the policy of this state that all state, county,
 57 and municipal records are open for personal inspection and
 58 copying by any person. Providing access to public records is a
 59 duty of each agency.

60 Section 2. Paragraph (e) of subsection (1), and
 61 subsections (7), (8), (9), and (10) of section 119.07, Florida
 62 Statutes, are amended to read:

63 119.07 Inspection and copying of records; photographing
 64 public records; fees; exemptions.--

65 (1)

66 (e) In any civil action in which an exemption to this
 67 section is asserted, if the exemption is alleged to exist under
 68 or by virtue of s. 119.071(1)(d) or (f), (2)(d),(e), or (f), or
 69 (4)(c) paragraph (6)(c), paragraph (6)(d), paragraph (6)(e),
 70 paragraph (6)(k), paragraph (6)(l), or paragraph (6)(o), the
 71 public record or part thereof in question shall be submitted to
 72 the court for an inspection in camera. If an exemption is
 73 alleged to exist under or by virtue of s. 119.071(2)(c)
 74 paragraph (6)(b), an inspection in camera is discretionary with
 75 the court. If the court finds that the asserted exemption is not
 76 applicable, it shall order the public record or part thereof in
 77 question to be immediately produced for inspection or copying as
 78 requested by the person seeking such access.

79 (6)(7) Nothing in this chapter section shall be construed
 80 to exempt from subsection (1) a public record that ~~which~~ was
 81 made a part of a court file and that ~~which~~ is not specifically
 82 closed by order of court, except as provided in paragraphs s.
 83 119.071 (1)(d) and (f), (2)(d),(e), and (f), and (4)(c) (e),

84 ~~(d), (e), (k), (l), and (o) of subsection (6) and except~~
 85 information or records that ~~which~~ may reveal the identity of a
 86 person who is a victim of a sexual offense as provided in s.
 87 119.071(2)(h) ~~paragraph (f) of subsection (6).~~

88 (7)(8) An exemption contained in this chapter ~~Nothing in~~
 89 ~~subsection (6) or in~~ any other general or special law shall not
 90 limit the access of the Auditor General, the Office of Program
 91 Policy Analysis and Government Accountability, or any state,
 92 county, municipal, university, board of community college,
 93 school district, or special district internal auditor to public
 94 records when such person states in writing that such records are
 95 needed for a properly authorized audit, examination, or
 96 investigation. Such person shall maintain the exempt or
 97 confidential status of that a public record ~~that is exempt or~~
 98 ~~confidential from the provisions of subsection (1) and shall be~~
 99 subject to the same penalties as the custodian of that record
 100 for public disclosure of such record.

101 (8)(9) An exemption from this section does not imply an
 102 exemption from s. 286.011. The exemption from s. 286.011 must be
 103 expressly provided.

104 (9)(10) The provisions of this section are not intended to
 105 expand or limit the provisions of Rule 3.220, Florida Rules of
 106 Criminal Procedure, regarding the right and extent of discovery
 107 by the state or by a defendant in a criminal prosecution or in
 108 collateral postconviction proceedings. This section may not be
 109 used by any inmate as the basis for failing to timely litigate
 110 any postconviction action.

111 Section 3. Paragraph (a) of subsection (6) of section

112 119.07, Florida Statutes, is transferred, redesignated as
 113 paragraph (a) of subsection (1) of section 119.071, Florida
 114 Statutes, and amended to read:

115 119.071 General exemptions from inspection or copying of
 116 public records.--

117 (1) AGENCY ADMINISTRATION.--

118 (a) Examination questions and answer sheets of
 119 examinations administered by a governmental agency for the
 120 purpose of licensure, certification, or employment are exempt
 121 from s. 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a),
 122 Art. I of the State Constitution. A person who has taken such
 123 an examination has ~~shall have~~ the right to review his or her own
 124 completed examination.

125 Section 4. Paragraph (m) of subsection (6) of section
 126 119.07, Florida Statutes, is transferred, redesignated as
 127 paragraph (b) of subsection (1) of section 119.071, Florida
 128 Statutes, and amended to read:

129 119.071 General exemptions from inspection or copying of
 130 public records.--

131 (1) AGENCY ADMINISTRATION.--

132 (b) ~~(m)~~ Sealed bids or proposals received by an agency
 133 pursuant to invitations to bid or requests for proposals are
 134 exempt from s. 119.07(1) ~~the provisions of subsection (1)~~ and s.
 135 24(a), Art. I of the State Constitution until such time as the
 136 agency provides notice of a decision or intended decision
 137 pursuant to s. 120.57(3)(a) or within 10 days after bid or
 138 proposal opening, whichever is earlier.

139 Section 5. Paragraph (t) of subsection (6) of section

140 119.07, Florida Statutes, is transferred, redesignated as
 141 paragraph (c) of subsection (1) of section 119.071, Florida
 142 Statutes, and amended to read:

143 119.071 General exemptions from inspection or copying of
 144 public records.--

145 (1) AGENCY ADMINISTRATION.--

146 (c)(t) Any financial statement that ~~which~~ an agency
 147 requires a prospective bidder to submit in order to prequalify
 148 for bidding or for responding to a proposal for a road or any
 149 other public works project is exempt from s. 119.07(1) ~~the~~
 150 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
 151 Constitution.

152 Section 6. Paragraph (1) of subsection (6) of section
 153 119.07, Florida Statutes, is transferred, redesignated as
 154 paragraph (d) of subsection (1) of section 119.071, Florida
 155 Statutes, and amended to read:

156 119.071 General exemptions from inspection or copying of
 157 public records.--

158 (1) AGENCY ADMINISTRATION.-

159 (d)(1)1. A public record that ~~which~~ was prepared by an
 160 agency attorney (including an attorney employed or retained by
 161 the agency or employed or retained by another public officer or
 162 agency to protect or represent the interests of the agency
 163 having custody of the record) or prepared at the attorney's
 164 express direction, that ~~which~~ reflects a mental impression,
 165 conclusion, litigation strategy, or legal theory of the attorney
 166 or the agency, and that ~~which~~ was prepared exclusively for civil
 167 or criminal litigation or for adversarial administrative

168 | proceedings, or that ~~which~~ was prepared in anticipation of
 169 | imminent civil or criminal litigation or imminent adversarial
 170 | administrative proceedings, is exempt from s. 119.07(1) ~~the~~
 171 | ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
 172 | Constitution until the conclusion of the litigation or
 173 | adversarial administrative proceedings. For purposes of capital
 174 | collateral litigation as set forth in s. 27.7001, the Attorney
 175 | General's office is entitled to claim this exemption for those
 176 | public records prepared for direct appeal as well as for all
 177 | capital collateral litigation after direct appeal until
 178 | execution of sentence or imposition of a life sentence.

179 | 2. This exemption is not waived by the release of such
 180 | public record to another public employee or officer of the same
 181 | agency or any person consulted by the agency attorney. When
 182 | asserting the right to withhold a public record pursuant to this
 183 | paragraph, the agency shall identify the potential parties to
 184 | any such criminal or civil litigation or adversarial
 185 | administrative proceedings. If a court finds that the document
 186 | or other record has been improperly withheld under this
 187 | paragraph, the party seeking access to such document or record
 188 | shall be awarded reasonable attorney's fees and costs in
 189 | addition to any other remedy ordered by the court.

190 | Section 7. Paragraph (ii) of subsection (6) of section
 191 | 119.07, Florida Statutes, is transferred and redesignated as
 192 | paragraph (e) of subsection (1) of section 119.071, Florida
 193 | Statutes, and amended to read:

194 | 119.071 General exemptions from inspection or copying of
 195 | public records.--

196 (1) AGENCY ADMINISTRATION.--

197 ~~(e)(ii)~~ Any videotape or video signal that, under an
 198 agreement with an agency, is produced, made, or received by, or
 199 is in the custody of, a federally licensed radio or television
 200 station or its agent is exempt from s. 119.07(1) ~~this chapter~~.

201 Section 8. Paragraph (o) of subsection (6) of section
 202 119.07, Florida Statutes, is transferred, redesignated as
 203 paragraph (f) of subsection (1) of section 119.071, Florida
 204 Statutes, and amended to read:

205 119.071 General exemptions from inspection or copying of
 206 public records.--

207 (1) AGENCY ADMINISTRATION.--

208 ~~(f)(e)~~ Data processing software obtained by an agency
 209 under a licensing agreement that ~~which~~ prohibits its disclosure
 210 and which software is a trade secret, as defined in s. 812.081,
 211 and agency-produced data processing software that ~~which~~ is
 212 sensitive are exempt from s. 119.07(1) ~~the provisions of~~
 213 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution.
 214 The designation of agency-produced software as sensitive shall
 215 not prohibit an agency head from sharing or exchanging such
 216 software with another public agency.

217 Section 9. Paragraph (h) of subsection (6) of section
 218 119.07, Florida Statutes, is transferred, redesignated as
 219 paragraph (a) of subsection (2) of section 119.071, Florida
 220 Statutes, and amended to read:

221 119.071 General exemptions from inspection or copying of
 222 public records.--

223 (2) AGENCY INVESTIGATIONS.--

224 (a)~~(h)~~ All criminal intelligence and criminal
 225 investigative information received by a criminal justice agency
 226 prior to January 25, 1979, is exempt from s. 119.07(1) ~~the~~
 227 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
 228 Constitution.

229 Section 10. Section 119.072, Florida Statutes, is
 230 transferred, redesignated as paragraph (b) of subsection (2) of
 231 section 119.071, Florida Statutes, and amended to read:

232 119.071 General exemptions from inspection or copying of
 233 public records.--

234 (2) AGENCY INVESTIGATIONS.--

235 (b) ~~119.072 Criminal intelligence or investigative~~
 236 ~~information obtained from out-of-state agencies.--~~ Whenever
 237 criminal intelligence information or criminal investigative
 238 information held by a non-Florida criminal justice agency is
 239 available to a Florida criminal justice agency only on a
 240 confidential or similarly restricted basis, the Florida criminal
 241 justice agency may obtain and use such information in accordance
 242 with the conditions imposed by the providing agency.

243 Section 11. Paragraph (b) of subsection (6) of section
 244 119.07, Florida Statutes, is transferred, redesignated as
 245 paragraph (c) of subsection (2) of section 119.071, Florida
 246 Statutes, and amended to read:

247 119.071 General exemptions from inspection or copying of
 248 public records.--

249 (2) AGENCY INVESTIGATIONS.--

250 (c)~~(b)~~1. Active criminal intelligence information and
 251 active criminal investigative information are exempt from s.

252 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a), Art. I
 253 of the State Constitution.

254 2. A request of a law enforcement agency to inspect or
 255 copy a public record that is in the custody of another agency,
 256 the custodian's response to the request, and any information
 257 that would identify the public record that was requested by the
 258 law enforcement agency or provided by the custodian are exempt
 259 from s. 119.07(1) ~~the requirements of subsection (1)~~ and s.
 260 24(a), Art. I of the State Constitution, during the period in
 261 which the information constitutes criminal intelligence
 262 information or criminal investigative information that is
 263 active. This exemption is remedial in nature, and it is the
 264 intent of the Legislature that the exemption be applied to
 265 requests for information received before, on, or after the
 266 effective date of this subparagraph. The law enforcement agency
 267 shall give notice to the custodial agency when the criminal
 268 intelligence information or criminal investigative information
 269 is no longer active, so that the custodian's response to the
 270 request and information that would identify the public record
 271 requested are available to the public. This subparagraph is
 272 subject to the Open Government Sunset Review Act ~~of 1995~~ in
 273 accordance with s. 119.15 and shall stand repealed October 2,
 274 2007, unless reviewed and saved from repeal through reenactment
 275 by the Legislature.

276 Section 12. Paragraph (d) of subsection (6) of section
 277 119.07, Florida Statutes, is transferred, redesignated as
 278 paragraph (d) of subsection (2) of section 119.071, Florida
 279 Statutes, and amended to read:

280 119.071 General exemptions from inspection or copying of
281 public records.--

282 (2) AGENCY INVESTIGATIONS.--

283 (d) Any information revealing surveillance techniques or
284 procedures or personnel is exempt from s. 119.07(1) ~~the~~
285 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
286 Constitution. Any comprehensive inventory of state and local law
287 enforcement resources compiled pursuant to part I, chapter 23,
288 and any comprehensive policies or plans compiled by a criminal
289 justice agency pertaining to the mobilization, deployment, or
290 tactical operations involved in responding to emergencies, as
291 defined in s. 252.34(3), are exempt from s. 119.07(1) ~~the~~
292 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
293 Constitution and unavailable for inspection, except by personnel
294 authorized by a state or local law enforcement agency, the
295 office of the Governor, the Department of Legal Affairs, the
296 Department of Law Enforcement, or the Department of Community
297 Affairs as having an official need for access to the inventory
298 or comprehensive policies or plans.

299 Section 13. Paragraph (k) of subsection (6) of section
300 119.07, Florida Statutes, is transferred, redesignated as
301 paragraph (e) of subsection (2) of section 119.071, Florida
302 Statutes, and amended to read:

303 119.071 General exemptions from inspection or copying of
304 public records.--

305 (2) AGENCY INVESTIGATIONS.--

306 (e)~~(k)~~ Any information revealing the substance of a
307 confession of a person arrested is exempt from s. 119.07(1) ~~the~~

308 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
 309 Constitution, until such time as the criminal case is finally
 310 determined by adjudication, dismissal, or other final
 311 disposition.

312 Section 14. Paragraph (c) of subsection (6) of section
 313 119.07, Florida Statutes, is transferred, redesignated as
 314 paragraph (f) of subsection (2) of section 119.071, Florida
 315 Statutes, and amended to read:

316 119.071 General exemptions from inspection or copying of
 317 public records.--

318 (2) AGENCY INVESTIGATIONS.--

319 (f)~~(e)~~ Any information revealing the identity of a
 320 confidential informant or a confidential source is exempt from
 321 s. 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a), Art.
 322 I of the State Constitution.

323 Section 15. Paragraph (u) of subsection (6) of section
 324 119.07, Florida Statutes, is transferred, redesignated as
 325 paragraph (g) of subsection (2) of section 119.071, Florida
 326 Statutes, and amended to read:

327 119.071 General exemptions from inspection or copying of
 328 public records.--

329 (2) AGENCY INVESTIGATIONS.--

330 (g)~~(u)~~ When ~~where~~ the alleged victim chooses not to file a
 331 complaint and requests that records of the complaint remain
 332 confidential, all records relating to an allegation of
 333 employment discrimination are confidential and exempt from s.
 334 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a), Art. I
 335 of the State Constitution.

336 Section 16. Paragraphs (f) and (g) of subsection (6) of
 337 section 119.07, Florida Statutes, are transferred, redesignated
 338 as paragraphs (h) and (i), respectively, of subsection (2) of
 339 section 119.071, Florida Statutes, and amended to read:

340 119.071 General exemptions from inspection or copying of
 341 public records.--

342 (2) AGENCY INVESTIGATIONS.--

343 (h)~~(f)~~1. Any criminal intelligence information or criminal
 344 investigative information including the photograph, name,
 345 address, or other fact or information which reveals the identity
 346 of the victim of the crime of sexual battery as defined in
 347 chapter 794; the identity of the victim of a lewd or lascivious
 348 offense committed upon or in the presence of a person less than
 349 16 years of age, as defined in chapter 800; or the identity of
 350 the victim of the crime of child abuse as defined by chapter 827
 351 and any criminal intelligence information or criminal
 352 investigative information or other criminal record, including
 353 those portions of court records and court proceedings, which may
 354 reveal the identity of a person who is a victim of any sexual
 355 offense, including a sexual offense proscribed in chapter 794,
 356 chapter 800, or chapter 827, is exempt from s. 119.07(1) ~~the~~
 357 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
 358 Constitution.

359 2. In addition to subparagraph 1., any criminal
 360 intelligence information or criminal investigative information
 361 that ~~which~~ is a photograph, videotape, or image of any part of
 362 the body of the victim of a sexual offense prohibited under
 363 chapter 794, chapter 800, or chapter 827, regardless of whether

364 the photograph, videotape, or image identifies the victim, is
 365 confidential and exempt from s. 119.07(1) ~~subsection (1)~~ and s.
 366 24(a), Art. I of the State Constitution. This exemption applies
 367 to photographs, videotapes, or images held as criminal
 368 intelligence information or criminal investigative information
 369 before, on, or after the effective date of the exemption.

370 (i)~~(g)~~ Any criminal intelligence information or criminal
 371 investigative information that ~~which~~ reveals the personal assets
 372 of the victim of a crime, other than property stolen or
 373 destroyed during the commission of the crime, is exempt from s.
 374 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a), Art. I
 375 of the State Constitution.

376 Section 17. Paragraph (s) of subsection (6) of section
 377 119.07, Florida Statutes, is transferred, redesignated as
 378 paragraph (j) of subsection (2) of section 119.071, Florida
 379 Statutes, and amended to read:

380 119.071 General exemptions from inspection or copying of
 381 public records.--

382 (2) AGENCY INVESTIGATIONS.--

383 (j)~~(s)~~1. Any document that reveals the identity, home or
 384 employment telephone number, home or employment address, or
 385 personal assets of the victim of a crime and identifies that
 386 person as the victim of a crime, which document is received by
 387 any agency that regularly receives information from or
 388 concerning the victims of crime, is exempt from s. 119.07(1) ~~the~~
 389 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
 390 Constitution. Any information not otherwise held confidential or
 391 exempt from s. 119.07(1) ~~the provisions of subsection (1)~~ which

392 reveals the home or employment telephone number, home or
 393 employment address, or personal assets of a person who has been
 394 the victim of sexual battery, aggravated child abuse, aggravated
 395 stalking, harassment, aggravated battery, or domestic violence
 396 is exempt from s. 119.07(1) ~~the provisions of subsection (1)~~ and
 397 s. 24(a), Art. I of the State Constitution, upon written request
 398 by the victim, which must include official verification that an
 399 applicable crime has occurred. Such information shall cease to
 400 be exempt 5 years after the receipt of the written request. Any
 401 state or federal agency that is authorized to have access to
 402 such documents by any provision of law shall be granted such
 403 access in the furtherance of such agency's statutory duties,
 404 notwithstanding ~~the provisions of~~ this section.

405 2.a. Any information in a videotaped statement of a minor
 406 who is alleged to be or who is a victim of sexual battery, lewd
 407 acts, or other sexual misconduct proscribed in chapter 800 or in
 408 s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s.
 409 847.0133, or s. 847.0145, which reveals that minor's identity,
 410 including, but not limited to, the minor's face; the minor's
 411 home, school, church, or employment telephone number; the
 412 minor's home, school, church, or employment address; the name of
 413 the minor's school, church, or place of employment; or the
 414 personal assets of the minor; and which identifies that minor as
 415 the victim of a crime described in this subparagraph, held by a
 416 law enforcement agency, is confidential and exempt from s.
 417 119.07(1) ~~subsection (1)~~ and s. 24(a), Art. I of the State
 418 Constitution. Any governmental agency that is authorized to have
 419 access to such statements by any provision of law shall be

420 granted such access in the furtherance of the agency's statutory
 421 duties, notwithstanding the provisions of this section.

422 b. A public employee or officer who has access to a
 423 videotaped statement of a minor who is alleged to be or who is a
 424 victim of sexual battery, lewd acts, or other sexual misconduct
 425 proscribed in chapter 800 or in s. 794.011, s. 827.071, s.
 426 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145,
 427 may not willfully and knowingly disclose videotaped information
 428 that reveals the minor's identity to a person who is not
 429 assisting in the investigation or prosecution of the alleged
 430 offense or to any person other than the defendant, the
 431 defendant's attorney, or a person specified in an order entered
 432 by the court having jurisdiction of the alleged offense. A
 433 person who violates this provision commits a misdemeanor of the
 434 first degree, punishable as provided in s. 775.082 or s.
 435 775.083.

436 Section 18. Present section 119.071, Florida Statutes, is
 437 redesignated as paragraph (a) of subsection (3) of that section
 438 and amended to read:

439 119.071 General exemptions from inspection or copying of
 440 public records.--

441 (3) SECURITY.--

442 (a) A security system plan or portion thereof for:

443 1.~~(1)~~ Any property owned by or leased to the state or any
 444 of its political subdivisions; or

445 2.~~(2)~~ Any privately owned or leased property

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447 which plan or portion thereof is held by any agency, ~~as defined~~
448 ~~in s. 119.011~~, is confidential and exempt from ~~the provisions of~~
449 s. 119.07(1) and s. 24(a), Art. I of the State Constitution. As
450 used in this paragraph ~~section~~, the term a "security system
451 plan" includes all records, information, photographs, audio and
452 visual presentations, schematic diagrams, surveys,
453 recommendations, or consultations or portions thereof relating
454 directly to the physical security of the facility or revealing
455 security systems; threat assessments conducted by any agency ~~as~~
456 ~~defined in s. 119.011~~ or any private entity; threat response
457 plans; emergency evacuation plans; sheltering arrangements; or
458 manuals for security personnel, emergency equipment, or security
459 training. This exemption is remedial in nature and it is the
460 intent of the Legislature that this exemption be applied to
461 security system plans held by an agency before, on, or after the
462 effective date of this paragraph ~~section~~. Information made
463 confidential and exempt by this paragraph ~~section~~ may be
464 disclosed by the custodial agency to the property owner or
465 leaseholder; or such information may be disclosed by the
466 custodial agency to another state or federal agency to prevent,
467 detect, guard against, respond to, investigate, or manage the
468 consequences of any attempted or actual act of terrorism, or to
469 prosecute those persons who are responsible for such attempts or
470 acts, and the confidential and exempt status of such information
471 shall be retained while in the possession of the receiving
472 agency. This paragraph ~~section~~ is subject to the Open Government
473 Sunset Review Act ~~of 1995~~, in accordance with s. 119.15, and

474 shall stand repealed on October 2, 2006, unless reviewed and
475 saved from repeal through reenactment by the Legislature.

476 Section 19. Paragraphs (ee) and (ff) of subsection (6) of
477 section 119.07, Florida Statutes, are transferred, redesignated
478 as paragraphs (b) and (c), respectively, of subsection (3) of
479 section 119.071, Florida Statutes, and amended to read:

480 119.071 General exemptions from inspection or copying of
481 public records.--

482 (3) SECURITY.--

483 (b)~~(ee)~~ Building plans, blueprints, schematic drawings,
484 and diagrams, including draft, preliminary, and final formats,
485 which depict the internal layout and structural elements of a
486 building, arena, stadium, water treatment facility, or other
487 structure owned or operated by an agency ~~as defined in s.~~
488 ~~119.011~~ are exempt from s. 119.07(1) ~~the provisions of~~
489 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution.
490 This exemption applies to building plans, blueprints, schematic
491 drawings, and diagrams, including draft, preliminary, and final
492 formats, which depict the internal layout and structural
493 elements of a building, arena, stadium, water treatment
494 facility, or other structure owned or operated by an agency
495 before, on, or after the effective date of this act. Information
496 made exempt by this paragraph may be disclosed to another
497 governmental entity if disclosure is necessary for the receiving
498 entity to perform its duties and responsibilities; to a licensed
499 architect, engineer, or contractor who is performing work on or
500 related to the building, arena, stadium, water treatment
501 facility, or other structure owned or operated by an agency; or

502 upon a showing of good cause before a court of competent
 503 jurisdiction. The entities or persons receiving such
 504 information shall maintain the exempt status of the information.
 505 This paragraph is subject to the Open Government Sunset Review
 506 Act ~~of 1995~~ in accordance with s. 119.15~~7~~, and shall stand
 507 repealed on October 2, 2007, unless reviewed and reenacted by
 508 the Legislature.

509 (c)~~(ff)~~ Building plans, blueprints, schematic drawings,
 510 and diagrams, including draft, preliminary, and final formats,
 511 which depict the internal layout or structural elements of an
 512 attractions and recreation facility, entertainment or resort
 513 complex, industrial complex, retail and service development,
 514 office development, or hotel or motel development, which
 515 documents are held by an agency ~~as defined in s. 119.011~~, are
 516 exempt from s. 119.07(1) ~~the provisions of subsection (1)~~ and s.
 517 24(a), Art. I of the State Constitution. This exemption applies
 518 to any such documents held ~~either permanently or temporarily~~ by
 519 an agency before, on, or after the effective date of this act.
 520 Information made exempt by this paragraph may be disclosed to
 521 another governmental entity if disclosure is necessary for the
 522 receiving entity to perform its duties and responsibilities; to
 523 the owner or owners of the structure in question or the owner's
 524 legal representative; or upon a showing of good cause before a
 525 court of competent jurisdiction. As used in this paragraph, the
 526 term:

527 1. "Attractions and recreation facility" means any sports,
 528 entertainment, amusement, or recreation facility, including, but
 529 not limited to, a sports arena, stadium, racetrack, tourist

530 attraction, amusement park, or pari-mutuel facility that:

531 a. For single-performance facilities:

532 (I) Provides single-performance facilities; or

533 (II) Provides more than 10,000 permanent seats for

534 spectators.

535 b. For serial-performance facilities:

536 (I) Provides parking spaces for more than 1,000 motor

537 vehicles; or

538 (II) Provides more than 4,000 permanent seats for

539 spectators.

540 2. "Entertainment or resort complex" means a theme park

541 comprised of at least 25 acres of land with permanent

542 exhibitions and a variety of recreational activities, which has

543 at least 1 million visitors annually who pay admission fees

544 thereto, together with any lodging, dining, and recreational

545 facilities located adjacent to, contiguous to, or in close

546 proximity to the theme park, as long as the owners or operators

547 of the theme park, or a parent or related company or subsidiary

548 thereof, has an equity interest in the lodging, dining, or

549 recreational facilities or is in privity therewith. Close

550 proximity includes an area within a 5-mile radius of the theme

551 park complex.

552 3. "Industrial complex" means any industrial,

553 manufacturing, processing, distribution, warehousing, or

554 wholesale facility or plant, as well as accessory uses and

555 structures, under common ownership which:

556 a. Provides onsite parking for more than 250 motor

557 vehicles;

558 b. Encompasses 500,000 square feet or more of gross floor
559 area; or

560 c. Occupies a site of 100 acres or more, but excluding
561 wholesale facilities or plants that primarily serve or deal
562 onsite with the general public.

563 4. "Retail and service development" means any retail,
564 service, or wholesale business establishment or group of
565 establishments which deals primarily with the general public
566 onsite and is operated under one common property ownership,
567 development plan, or management that:

568 a. Encompasses more than 400,000 square feet of gross
569 floor area; or

570 b. Provides parking spaces for more than 2,500 motor
571 vehicles.

572 5. "Office development" means any office building or park
573 operated under common ownership, development plan, or management
574 that encompasses 300,000 or more square feet of gross floor
575 area.

576 6. "Hotel or motel development" means any hotel or motel
577 development that accommodates 350 or more units.

578
579 This exemption does not apply to comprehensive plans or site
580 plans, or amendments thereto, which are submitted for approval
581 or which have been approved under local land development
582 regulations, local zoning regulations, or development-of-
583 regional-impact review.

584 Section 20. Paragraph (x) of subsection (6) of section
585 119.07, Florida Statutes, is transferred, redesignated as

586 paragraph (a) of subsection (4) of section 119.071, Florida
 587 Statutes, and amended to read:

588 119.071 General exemptions from inspection or copying of
 589 public records.--

590 (4) AGENCY PERSONNEL INFORMATION.--

591 (a)~~(*)~~1. The social security numbers of all current and
 592 former agency employees which numbers are contained in agency
 593 employment records are exempt from s. 119.07(1) ~~subsection (1)~~
 594 and s. 24(a), Art. I of the State Constitution. ~~As used in this~~
 595 ~~paragraph, the term "agency" means an agency as defined in s.~~
 596 ~~119.011.~~

597 2. An agency that is the custodian of a social security
 598 number specified in subparagraph 1. and that is not the
 599 employing agency shall maintain the exempt status of the social
 600 security number only if the employee or the employing agency of
 601 the employee submits a written request for confidentiality to
 602 the custodial agency. However, upon a request by a commercial
 603 entity as provided in subparagraph (5)(a)5. ~~s. 119.0721~~, the
 604 custodial agency shall release the last four digits of the
 605 exempt social security number, except that a social security
 606 number provided in a lien filed with the Department of State
 607 shall be released in its entirety. This subparagraph is subject
 608 to the Open Government Sunset Review Act ~~of 1995~~ in accordance
 609 with s. 119.15 and shall stand repealed on October 2, 2009,
 610 unless reviewed and saved from repeal through reenactment by the
 611 Legislature.

612 Section 21. Paragraph (v) of subsection (6) of section
 613 119.07, Florida Statutes, is transferred, redesignated as

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614 paragraph (b) of subsection (4) of section 119.071, Florida
 615 Statutes, and amended to read:

616 119.071 General exemptions from inspection or copying of
 617 public records.--

618 (4) AGENCY PERSONNEL INFORMATION.--

619 (b)~~(v)~~ Medical information pertaining to a prospective,
 620 current, or former officer or employee of an agency which, if
 621 disclosed, would identify that officer or employee is exempt
 622 from s. 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a),
 623 Art. I of the State Constitution. However, such information may
 624 be disclosed if the person to whom the information pertains or
 625 the person's legal representative provides written permission or
 626 pursuant to court order.

627 Section 22. Paragraph (e) of subsection (6) of section
 628 119.07, Florida Statutes, is transferred, redesignated as
 629 paragraph (c) of subsection (4) of section 119.071, Florida
 630 Statutes, and amended to read:

631 119.071 General exemptions from inspection or copying of
 632 public records.--

633 (4) AGENCY PERSONNEL INFORMATION.--

634 (c)~~(e)~~ Any information revealing undercover personnel of
 635 any criminal justice agency is exempt from s. 119.07(1) ~~the~~
 636 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
 637 Constitution.

638 Section 23. Paragraph (i) of subsection (6) of section
 639 119.07, Florida Statutes, is transferred, redesignated as
 640 paragraph (d) of subsection (4) of section 119.071, Florida
 641 Statutes, and amended to read:

642 119.071 General exemptions from inspection or copying of
 643 public records.--

644 (4) AGENCY PERSONNEL INFORMATION.--

645 (d)~~(i)~~1. The home addresses, telephone numbers, social
 646 security numbers, and photographs of active or former law
 647 enforcement personnel, including correctional and correctional
 648 probation officers, personnel of the Department of Children and
 649 Family Services whose duties include the investigation of abuse,
 650 neglect, exploitation, fraud, theft, or other criminal
 651 activities, personnel of the Department of Health whose duties
 652 are to support the investigation of child abuse or neglect, and
 653 personnel of the Department of Revenue or local governments
 654 whose responsibilities include revenue collection and
 655 enforcement or child support enforcement; the home addresses,
 656 telephone numbers, social security numbers, photographs, and
 657 places of employment of the spouses and children of such
 658 personnel; and the names and locations of schools and day care
 659 facilities attended by the children of such personnel are exempt
 660 from s. 119.07(1) ~~the provisions of subsection (1)~~. The home
 661 addresses, telephone numbers, and photographs of firefighters
 662 certified in compliance with s. 633.35; the home addresses,
 663 telephone numbers, photographs, and places of employment of the
 664 spouses and children of such firefighters; and the names and
 665 locations of schools and day care facilities attended by the
 666 children of such firefighters are exempt from s. 119.07(1)
 667 ~~subsection (1)~~. The home addresses and telephone numbers of
 668 justices of the Supreme Court, district court of appeal judges,
 669 circuit court judges, and county court judges; the home

670 addresses, telephone numbers, and places of employment of the
 671 spouses and children of justices and judges; and the names and
 672 locations of schools and day care facilities attended by the
 673 children of justices and judges are exempt from s. 119.07(1) ~~the~~
 674 ~~provisions of subsection (1)~~. The home addresses, telephone
 675 numbers, social security numbers, and photographs of current or
 676 former state attorneys, assistant state attorneys, statewide
 677 prosecutors, or assistant statewide prosecutors; the home
 678 addresses, telephone numbers, social security numbers,
 679 photographs, and places of employment of the spouses and
 680 children of current or former state attorneys, assistant state
 681 attorneys, statewide prosecutors, or assistant statewide
 682 prosecutors; and the names and locations of schools and day care
 683 facilities attended by the children of current or former state
 684 attorneys, assistant state attorneys, statewide prosecutors, or
 685 assistant statewide prosecutors are exempt from s. 119.07(1)
 686 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution.

687 2. The home addresses, telephone numbers, social security
 688 numbers, and photographs of current or former human resource,
 689 labor relations, or employee relations directors, assistant
 690 directors, managers, or assistant managers of any local
 691 government agency or water management district whose duties
 692 include hiring and firing employees, labor contract negotiation,
 693 administration, or other personnel-related duties; the names,
 694 home addresses, telephone numbers, social security numbers,
 695 photographs, and places of employment of the spouses and
 696 children of such personnel; and the names and locations of
 697 schools and day care facilities attended by the children of such

698 personnel are exempt from s. 119.07(1) ~~subsection (1)~~ and s.
 699 24(a), Art. I of the State Constitution. This subparagraph is
 700 subject to the Open Government Sunset Review Act ~~of 1995~~ in
 701 accordance with s. 119.15~~7~~, and shall stand repealed on October
 702 2, 2006, unless reviewed and saved from repeal through
 703 reenactment by the Legislature.

704 3. The home addresses, telephone numbers, social security
 705 numbers, and photographs of current or former United States
 706 attorneys and assistant United States attorneys; the home
 707 addresses, telephone numbers, social security numbers,
 708 photographs, and places of employment of the spouses and
 709 children of current or former United States attorneys and
 710 assistant United States attorneys; and the names and locations
 711 of schools and day care facilities attended by the children of
 712 current or former United States attorneys and assistant United
 713 States attorneys are exempt from s. 119.07(1) ~~subsection (1)~~ and
 714 s. 24(a), Art. I of the State Constitution. This subparagraph is
 715 subject to the Open Government Sunset Review Act ~~of 1995~~ in
 716 accordance with s. 119.15 and shall stand repealed on October 2,
 717 2009, unless reviewed and saved from repeal through reenactment
 718 by the Legislature.

719 4. The home addresses, telephone numbers, social security
 720 numbers, and photographs of current or former judges of United
 721 States Courts of Appeal, United States district judges, and
 722 United States magistrate judges; the home addresses, telephone
 723 numbers, social security numbers, photographs, and places of
 724 employment of the spouses and children of current or former
 725 judges of United States Courts of Appeal, United States district

726 judges, and United States magistrate judges; and the names and
 727 locations of schools and day care facilities attended by the
 728 children of current or former judges of United States Courts of
 729 Appeal, United States district judges, and United States
 730 magistrate judges are exempt from s. 119.07(1) ~~subsection (1)~~
 731 and s. 24(a), Art. I of the State Constitution. This
 732 subparagraph is subject to the Open Government Sunset Review Act
 733 ~~of 1995~~ in accordance with s. 119.15~~7~~ and shall stand repealed
 734 on October 2, 2009, unless reviewed and saved from repeal
 735 through reenactment by the Legislature.

736 5. The home addresses, telephone numbers, social security
 737 numbers, and photographs of current or former code enforcement
 738 officers; the names, home addresses, telephone numbers, social
 739 security numbers, photographs, and places of employment of the
 740 spouses and children of such persons; and the names and
 741 locations of schools and day care facilities attended by the
 742 children of such persons are exempt from s. 119.07(1) ~~subsection~~
 743 ~~(1)~~ and s. 24(a), Art. I of the State Constitution. This
 744 subparagraph is subject to the Open Government Sunset Review Act
 745 ~~of 1995~~ in accordance with s. 119.15~~7~~ and shall stand repealed
 746 on October 2, 2006, unless reviewed and saved from repeal
 747 through reenactment by the Legislature.

748 6. An agency that is the custodian of the personal
 749 information specified in subparagraph 1., subparagraph 2.,
 750 subparagraph 3., subparagraph 4., or subparagraph 5.~~7~~ and that
 751 is not the employer of the officer, employee, justice, judge, or
 752 other person specified in subparagraph 1., subparagraph 2.,
 753 subparagraph 3., subparagraph 4., or subparagraph 5.~~7~~ shall

754 maintain the exempt status of the personal information only if
755 the officer, employee, justice, judge, other person, or
756 employing agency of the designated employee submits a written
757 request for maintenance of the exemption to the custodial
758 agency.

759 Section 24. Subsections (1) through (11) of section
760 119.0721, and paragraph (gg) of subsection (6) of section
761 119.07, Florida Statutes, are transferred, redesignated as
762 paragraph (a) of subsection (5) of section 119.071, Florida
763 Statutes, and amended to read:

764 119.071 General exemptions from inspection or copying of
765 public records.--

766 (5) OTHER PERSONAL INFORMATION.--

767 (a)1. The Legislature acknowledges that the social
768 security number was never intended to be used for business
769 purposes but was intended to be used solely for the
770 administration of the federal Social Security System. The
771 Legislature is further aware that over time this unique numeric
772 identifier has been used extensively for identity verification
773 purposes and other legitimate consensual purposes. The
774 Legislature is also cognizant of the fact that the social
775 security number can be used as a tool to perpetuate fraud
776 against a person and to acquire sensitive personal, financial,
777 medical, and familial information, the release of which could
778 cause great financial or personal harm to an individual. The
779 Legislature intends to monitor the commercial use of social
780 security numbers held by state agencies in order to maintain a
781 balanced public policy.

782 2. An agency shall not collect an individual's social
 783 security number unless authorized by law to do so or unless the
 784 collection of the social security number is otherwise imperative
 785 for the performance of that agency's duties and responsibilities
 786 as prescribed by law. Social security numbers collected by an
 787 agency must be relevant to the purpose for which collected and
 788 shall not be collected until and unless the need for social
 789 security numbers has been clearly documented. An agency that
 790 collects social security numbers shall also segregate that
 791 number on a separate page from the rest of the record, or as
 792 otherwise appropriate, in order that the social security number
 793 be more easily redacted, if required, pursuant to a public
 794 records request. An agency collecting a person's social security
 795 number shall, upon that person's request, at the time of or
 796 prior to the actual collection of the social security number by
 797 that agency, provide that person with a statement of the purpose
 798 or purposes for which the social security number is being
 799 collected and used. Social security numbers collected by an
 800 agency shall not be used by that agency for any purpose other
 801 than the purpose stated. Social security numbers collected by an
 802 agency prior to May 13, 2002, shall be reviewed for compliance
 803 with this subparagraph. If the collection of a social security
 804 number prior to May 13, 2002, is found to be unwarranted, the
 805 agency shall immediately discontinue the collection of social
 806 security numbers for that purpose.

807 3.~~(1)~~ Effective October 1, 2002, all social security
 808 numbers held by an agency ~~or its agents, employees, or~~
 809 ~~contractors~~ are confidential and exempt from s. 119.07(1) and s.

810 24(a), Art. I of the State Constitution. This exemption applies
 811 to all social security numbers held by an agency and its agents,
 812 employees, or contractors before, on, or after the effective
 813 date of this exemption.

814 4.(2) Social security numbers may be disclosed to another
 815 governmental entity or its agents, employees, or contractors if
 816 disclosure is necessary for the receiving entity to perform its
 817 duties and responsibilities. The receiving governmental entity
 818 and its agents, employees, and contractors shall maintain the
 819 confidential and exempt status of such numbers.

820 5.(3) An agency shall not deny a commercial entity engaged
 821 in the performance of a commercial activity as defined in s.
 822 14.203 or its agents, employees, or contractors access to social
 823 security numbers, provided the social security numbers will be
 824 used only in the normal course of business for legitimate
 825 business purposes, and provided the commercial entity makes a
 826 written request for social security numbers, verified as
 827 provided in s. 92.525, legibly signed by an authorized officer,
 828 employee, or agent of the commercial entity. The verified
 829 written request must contain the commercial entity's name,
 830 business mailing and location addresses, business telephone
 831 number, and a statement of the specific purposes for which it
 832 needs the social security numbers and how the social security
 833 numbers will be used in the normal course of business for
 834 legitimate business purposes. The aggregate of these requests
 835 shall serve as the basis for the agency report required in
 836 subparagraph 8. subsection (7). An agency may request any other
 837 information ~~as may be~~ reasonably necessary to verify the

838 identity of the entity requesting the social security numbers
839 and the specific purposes for which such numbers will be used;
840 however, an agency has no duty to inquire beyond the information
841 contained in the verified written request. A legitimate business
842 purpose includes verification of the accuracy of personal
843 information received by a commercial entity in the normal course
844 of its business; use in a civil, criminal, or administrative
845 proceeding; use for insurance purposes; use in law enforcement
846 and investigation of crimes; use in identifying and preventing
847 fraud; use in matching, verifying, or retrieving information;
848 and use in research activities. A legitimate business purpose
849 does not include the display or bulk sale of social security
850 numbers to the general public or the distribution of such
851 numbers to any customer that is not identifiable by the
852 distributor.

853 6.(4) Any person who makes a false representation in order
854 to obtain a social security number pursuant to this paragraph
855 ~~section~~, or any person who willfully and knowingly violates ~~the~~
856 ~~provisions of this paragraph section~~, commits a felony of the
857 third degree, punishable as provided in s. 775.082 or s.
858 775.083. Any public officer who violates ~~any provision of this~~
859 paragraph section is guilty of a noncriminal infraction,
860 punishable by a fine not exceeding \$500. A commercial entity
861 that provides access to public records containing social
862 security numbers in accordance with this paragraph section is
863 not subject to the penalty provisions of this subparagraph
864 ~~subsection~~.

865 7.a.(5)(a) On or after October 1, 2002, a ~~no~~ person

866 preparing or filing a document to be recorded in the official
 867 records by the county recorder as provided for in chapter 28 may
 868 not include any person's social security number in that
 869 document, unless otherwise expressly required by law. If a
 870 social security number is or has been included in a document
 871 presented to the county recorder for recording in the official
 872 records of the county before, on, or after October 1, 2002, it
 873 may be made available as part of the official record available
 874 for public inspection and copying.

875 b.~~(b)~~ Any person, or his or her attorney or legal
 876 guardian, has the right to request that a county recorder
 877 remove, from an image or copy of an official record placed on a
 878 county recorder's publicly available Internet website or a
 879 publicly available Internet website used by a county recorder to
 880 display public records or otherwise made electronically
 881 available to the general public by such recorder, his or her
 882 social security number contained in that official record. Such
 883 request must be made in writing, legibly signed by the requester
 884 and delivered by mail, facsimile, or electronic transmission, or
 885 delivered in person, to the county recorder. The request must
 886 specify the identification page number that contains the social
 887 security number to be redacted. The county recorder has ~~shall~~
 888 ~~have~~ no duty to inquire beyond the written request to verify the
 889 identity of a person requesting redaction. A ~~No~~ fee shall not
 890 ~~will~~ be charged for the redaction of a social security number
 891 pursuant to such request.

892 c.~~(c)~~ A county recorder shall immediately and
 893 conspicuously post signs throughout his or her offices for

894 public viewing and; shall immediately and conspicuously post a
 895 notice on any Internet website or remote electronic site made
 896 available by the county recorder and used for the ordering or
 897 display of official records or images or copies of official
 898 records; ~~and shall, prior to October 1, 2002, publish on two~~
 899 ~~separate dates in a newspaper of general circulation in the~~
 900 ~~county where the county recorder's office is located as provided~~
 901 ~~for in chapter 50,~~ a notice, stating, in substantially similar
 902 form, the following:

903 (I)1- On or after October 1, 2002, any person preparing or
 904 filing a document for recordation in the official records may
 905 not include a social security number in such document, unless
 906 required by law.

907 (II)2- Any person has a right to request a county recorder
 908 to remove, from an image or copy of an official record placed on
 909 a county recorder's publicly available Internet website or on a
 910 publicly available Internet website used by a county recorder to
 911 display public records or otherwise made electronically
 912 available to the general public, any social security number
 913 contained in an official record. Such request must be made in
 914 writing and delivered by mail, facsimile, or electronic
 915 transmission, or delivered in person, to the county recorder.
 916 The request must specify the identification page number that
 917 contains the social security number to be redacted. No fee will
 918 be charged for the redaction of a social security number
 919 pursuant to such a request.

920 d.(gg)1- Until January 1, 2006, if a social security
 921 number, made confidential and exempt pursuant to this paragraph

922 ~~s. 119.0721, created pursuant to s. 1, ch. 2002-256, passed~~
923 ~~during the 2002 regular legislative session,~~ or a complete bank
924 account, debit, charge, or credit card number made exempt
925 pursuant to paragraph (5)(b) ~~(dd), created pursuant to s. 1, ch.~~
926 ~~2002-257, passed during the 2002 regular legislative session,~~ is
927 or has been included in a court file, such number may be
928 included as part of the court record available for public
929 inspection and copying unless redaction is requested by the
930 holder of such number, or by the holder's attorney or legal
931 guardian, in a signed, legibly written request specifying the
932 case name, case number, document heading, and page number. The
933 request must be delivered by mail, facsimile, electronic
934 transmission, or in person to the clerk of the circuit court.
935 The clerk of the circuit court does not have a duty to inquire
936 beyond the written request to verify the identity of a person
937 requesting redaction. A fee may not be charged for the redaction
938 of a social security number or a bank account, debit, charge, or
939 credit card number pursuant to such request.

940 e.2. Any person who prepares or files a document to be
941 recorded in the official records by the county recorder as
942 provided in chapter 28 may not include a person's social
943 security number or complete bank account, debit, charge, or
944 credit card number in that document unless otherwise expressly
945 required by law. Until January 1, 2006, if a social security
946 number or a complete bank account, debit, charge or credit card
947 number is or has been included in a document presented to the
948 county recorder for recording in the official records of the
949 county, such number may be made available as part of the

950 official record available for public inspection and copying. Any
951 person, or his or her attorney or legal guardian, may request
952 that a county recorder remove from an image or copy of an
953 official record placed on a county recorder's publicly available
954 Internet website, or a publicly available Internet website used
955 by a county recorder to display public records outside the
956 office or otherwise made electronically available outside the
957 county recorder's office to the general public, his or her
958 social security number or complete account, debit, charge, or
959 credit card number contained in that official record. Such
960 request must be legibly written, signed by the requester, and
961 delivered by mail, facsimile, electronic transmission, or in
962 person to the county recorder. The request must specify the
963 identification page number of the document that contains the
964 number to be redacted. The county recorder does not have a duty
965 to inquire beyond the written request to verify the identity of
966 a person requesting redaction. A fee may not be charged for
967 redacting such numbers.

968 f. ~~Subparagraphs 2. and 3. Upon the effective date of this~~
969 ~~act, subsections (3) and (4) of s. 119.0721,~~ do not apply to the
970 clerks of the court or the county recorder with respect to
971 circuit court records and official records.

972 g.4. On January 1, 2006, and thereafter, the clerk of the
973 circuit court and the county recorder must keep complete bank
974 account, debit, charge, and credit card numbers exempt as
975 provided for in paragraph (5)(b) ~~(d)~~, and must keep social
976 security numbers confidential and exempt as provided for in
977 subparagraph (a)3. ~~s. 119.0721,~~ without any person having to

978 request redaction.

979 8.~~(6)~~ Beginning January 31, 2004, and each January 31
 980 thereafter, every agency must file a report with the Secretary
 981 of State, the President of the Senate, and the Speaker of the
 982 House of Representatives listing the identity of all commercial
 983 entities that have requested social security numbers during the
 984 preceding calendar year and the specific purpose or purposes
 985 stated by each commercial entity regarding its need for social
 986 security numbers. If no disclosure requests were made, the
 987 agency shall so indicate.

988 ~~(7) The Legislature acknowledges that the social security~~
 989 ~~number was never intended to be used for business purposes but~~
 990 ~~was intended to be used solely for the administration of the~~
 991 ~~federal Social Security System. The Legislature is further aware~~
 992 ~~that over time this unique numeric identifier has been used~~
 993 ~~extensively for identity verification purposes and other~~
 994 ~~legitimate consensual purposes. The Legislature is also~~
 995 ~~eognizant of the fact that the social security number can be~~
 996 ~~used as a tool to perpetuate fraud against a person and to~~
 997 ~~acquire sensitive personal, financial, medical, and familial~~
 998 ~~information, the release of which could cause great financial or~~
 999 ~~personal harm to an individual. The Legislature intends to~~
 1000 ~~monitor the commercial use of social security numbers held by~~
 1001 ~~state agencies in order to maintain a balanced public policy.~~

1002 ~~(8) An agency shall not collect an individual's social~~
 1003 ~~security number unless authorized by law to do so or unless the~~
 1004 ~~collection of the social security number is otherwise imperative~~
 1005 ~~for the performance of that agency's duties and responsibilities~~

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1006 as prescribed by law. Social security numbers collected by an
1007 agency must be relevant to the purpose for which collected and
1008 shall not be collected until and unless the need for social
1009 security numbers has been clearly documented. An agency that
1010 collects social security numbers shall also segregate that
1011 number on a separate page from the rest of the record, or as
1012 otherwise appropriate, in order that the social security number
1013 be more easily redacted, if required, pursuant to a public
1014 records request. An agency collecting a person's social security
1015 number shall, upon that person's request, at the time of or
1016 prior to the actual collection of the social security number by
1017 that agency, provide that person with a statement of the purpose
1018 or purposes for which the social security number is being
1019 collected and used. Social security numbers collected by an
1020 agency shall not be used by that agency for any purpose other
1021 than the purpose stated. Social security numbers collected by an
1022 agency prior to May 13, 2002, shall be reviewed for compliance
1023 with this subsection. If the collection of a social security
1024 number prior to May 13, 2002, is found to be unwarranted, the
1025 agency shall immediately discontinue the collection of social
1026 security numbers for that purpose.

1027 9.(9) Any affected person may petition the circuit court
1028 for an order directing compliance with this paragraph section.

1029 10.(10) The provisions of This paragraph does section do
1030 not supersede any other applicable public records exemptions
1031 existing prior to May 13, 2002, or created thereafter.

1032 11.(11) This paragraph section is subject to the Open
1033 Government Sunset Review Act of 1995 in accordance with s.

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1034 119.15~~7~~ and shall stand repealed October 2, 2007, unless
 1035 reviewed and saved from repeal through reenactment by the
 1036 Legislature.

1037 Section 25. Paragraph (dd) of subsection (6) of section
 1038 119.07, Florida Statutes, is transferred, redesignated as
 1039 paragraph (b) of subsection (5) of section 119.071, Florida
 1040 Statutes, and amended to read:

1041 119.071 General exemptions from inspection or copying of
 1042 public records.--

1043 (5) OTHER PERSONAL INFORMATION.--

1044 (b)~~(dd)~~ Bank account numbers and debit, charge, and credit
 1045 card numbers held by an agency are exempt from s. 119.07(1)
 1046 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution.
 1047 This exemption applies to bank account numbers and debit,
 1048 charge, and credit card numbers held by an agency before, on, or
 1049 after the effective date of this exemption. This paragraph is
 1050 subject to the Open Government Sunset Review Act ~~of 1995~~ in
 1051 accordance with s. 119.15~~7~~ and shall stand repealed on October
 1052 2, 2007, unless reviewed and saved from repeal through
 1053 reenactment by the Legislature.

1054 Section 26. Paragraph (jj) of subsection (6) of section
 1055 119.07, Florida Statutes, is transferred, redesignated as
 1056 paragraph (c) of subsection (5) of section 119.071, Florida
 1057 Statutes, and amended to read:

1058 119.071 General exemptions from inspection or copying of
 1059 public records.--

1060 (5) OTHER PERSONAL INFORMATION.--

1061 (c)~~(jj)~~ Any information that would identify or help to

1062 locate a child who participates in government-sponsored
 1063 recreation programs or camps or the parents or guardians of such
 1064 child, including, but not limited to, the name, home address,
 1065 telephone number, social security number, or photograph of the
 1066 child; the names and locations of schools attended by such
 1067 child; and the names, home addresses, and social security
 1068 numbers of parents or guardians of such child is exempt from s.
 1069 119.07(1) subsection (1) and s. 24(a), Art. I of the State
 1070 Constitution. Information made exempt pursuant to this paragraph
 1071 may be disclosed by court order upon a showing of good cause.
 1072 This exemption applies to records held before, on, or after the
 1073 effective date of this exemption.

1074 Section 27. Paragraph (r) of subsection (6) of section
 1075 119.07, Florida Statutes, is transferred, redesignated as
 1076 paragraph (d) of subsection (5) of section 119.071, Florida
 1077 Statutes, and amended to read:

1078 119.071 General exemptions from inspection or copying of
 1079 public records.--

1080 (5) OTHER PERSONAL INFORMATION.--

1081 (d)(r) All records supplied by a telecommunications
 1082 company, as defined by s. 364.02, to an ~~a state or local~~
 1083 ~~governmental~~ agency which contain the name, address, and
 1084 telephone number of subscribers are confidential and exempt from
 1085 s. 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a), Art.
 1086 I of the State Constitution.

1087 Section 28. Paragraph (j) of subsection (6) of section
 1088 119.07, Florida Statutes, is transferred, redesignated as
 1089 paragraph (e) of subsection (5) of section 119.071, Florida

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1090 Statutes, and amended to read:

1091 119.071 General exemptions from inspection or copying of
 1092 public records.--

1093 (5) OTHER PERSONAL INFORMATION.--

1094 (e)(j) Any information provided to an agency ~~of state~~
 1095 ~~government or to an agency of a political subdivision of the~~
 1096 ~~state~~ for the purpose of forming ridesharing arrangements, which
 1097 information reveals the identity of an individual who has
 1098 provided his or her name for ridesharing, as defined in s.
 1099 341.031, is exempt from s. 119.07(1) ~~the provisions of~~
 1100 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution.

1101 Section 29. Paragraph (bb) of subsection (6) of section
 1102 119.07, Florida Statutes, is transferred, redesignated as
 1103 paragraph (f) of subsection (5) of section 119.071, Florida
 1104 Statutes, and amended to read:

1105 119.071 General exemptions from inspection or copying of
 1106 public records.--

1107 (5) OTHER PERSONAL INFORMATION.--

1108 (f)(bb) Medical history records and information related to
 1109 health or property insurance provided to the Department of
 1110 Community Affairs, the Florida Housing Finance Corporation, a
 1111 county, a municipality, or a local housing finance agency by an
 1112 applicant for or a participant in a federal, state, or local
 1113 housing assistance program are confidential and exempt from s.
 1114 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a), Art. I
 1115 of the State Constitution. Governmental entities or their agents
 1116 shall have access to such confidential and exempt records and
 1117 information for the purpose of auditing federal, state, or local

1118 housing programs or housing assistance programs. Such
 1119 confidential and exempt records and information may be used in
 1120 any administrative or judicial proceeding, provided such records
 1121 are kept confidential and exempt unless otherwise ordered by a
 1122 court.

1123 Section 30. Paragraph (q) of subsection (6) of section
 1124 119.07, Florida Statutes, is transferred, redesignated as
 1125 subsection (1) of section 119.0711, Florida Statutes, and
 1126 amended to read:

1127 119.0711 Executive branch agency exemptions from
 1128 inspection or copying of public records.--

1129 (1)(q) All complaints and other records in the custody of
 1130 any agency in the executive branch of state government which
 1131 relate to a complaint of discrimination relating to race, color,
 1132 religion, sex, national origin, age, handicap, or marital status
 1133 in connection with hiring practices, position classifications,
 1134 salary, benefits, discipline, discharge, employee performance,
 1135 evaluation, or other related activities are exempt from s.
 1136 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a), Art. I
 1137 of the State Constitution until a finding is made relating to
 1138 probable cause, the investigation of the complaint becomes
 1139 inactive, or the complaint or other record is made part of the
 1140 official record of any hearing or court proceeding. This
 1141 provision shall not affect any function or activity of the
 1142 Florida Commission on Human Relations. Any state or federal
 1143 agency that ~~which~~ is authorized to have access to such
 1144 complaints or records by any provision of law shall be granted

1145 such access in the furtherance of such agency's statutory
 1146 duties, ~~notwithstanding the provisions of this section.~~

1147 Section 31. Paragraph (n) of subsection (6) of section
 1148 119.07, Florida Statutes, is transferred, redesignated as
 1149 subsection (2) of section 119.0711, Florida Statutes, and
 1150 amended to read:

1151 119.0711 Executive branch agency exemptions from
 1152 inspection or copying of public records.--

1153 (2)(n) When an agency of the executive branch of state
 1154 government seeks to acquire real property by purchase or through
 1155 the exercise of the power of eminent domain all appraisals,
 1156 other reports relating to value, offers, and counteroffers must
 1157 be in writing and are exempt from s. 119.07(1) ~~the provisions of~~
 1158 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution
 1159 until execution of a valid option contract or a written offer to
 1160 sell that has been conditionally accepted by the agency, at
 1161 which time the exemption shall expire. The agency shall not
 1162 finally accept the offer for a period of 30 days in order to
 1163 allow public review of the transaction. The agency may give
 1164 conditional acceptance to any option or offer subject only to
 1165 final acceptance by the agency after the 30-day review period.
 1166 If a valid option contract is not executed, or if a written
 1167 offer to sell is not conditionally accepted by the agency, then
 1168 the exemption ~~from the provisions of this chapter~~ shall expire
 1169 at the conclusion of the condemnation litigation of the subject
 1170 property. An agency of the executive branch may exempt title
 1171 information, including names and addresses of property owners
 1172 whose property is subject to acquisition by purchase or through

1173 the exercise of the power of eminent domain, from s. 119.07(1)
 1174 ~~the provisions of subsection (1)~~ and s. 24(a), Art. I of the
 1175 State Constitution to the same extent as appraisals, other
 1176 reports relating to value, offers, and counteroffers. For the
 1177 purpose of this subsection ~~paragraph~~, the term "option contract"
 1178 means an agreement of an agency of the executive branch of state
 1179 government to purchase real property subject to final agency
 1180 approval. This subsection ~~has paragraph shall have~~ no
 1181 application to other exemptions from s. 119.07(1) ~~the provisions~~
 1182 ~~of subsection (1)~~ which are contained in other provisions of law
 1183 and shall not be construed to be an express or implied repeal
 1184 thereof.

1185 Section 32. Paragraph (cc) of subsection (6) of section
 1186 119.07, Florida Statutes, is transferred, redesignated as
 1187 subsection (1) of section 119.0712, Florida Statutes, and
 1188 amended to read:

1189 119.0712 Executive branch agency-specific exemptions from
 1190 inspection or copying of public records.--

1191 (1)(ee) DEPARTMENT OF HEALTH.--All personal identifying
 1192 information; bank account numbers; and debit, charge, and credit
 1193 card numbers contained in records relating to an individual's
 1194 personal health or eligibility for health-related services held
 1195 ~~made or received~~ by the Department of Health ~~or its service~~
 1196 ~~providers~~ are confidential and exempt from s. 119.07(1) ~~the~~
 1197 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
 1198 Constitution, except as otherwise provided in this subsection
 1199 ~~paragraph~~. Information made confidential and exempt by this
 1200 subsection ~~paragraph~~ shall be disclosed:

1201 (a)1. With the express written consent of the individual
 1202 or the individual's legally authorized representative.

1203 (b)2. In a medical emergency, but only to the extent
 1204 necessary to protect the health or life of the individual.

1205 (c)3. By court order upon a showing of good cause.

1206 (d)4. To a health research entity, if the entity seeks the
 1207 records or data pursuant to a research protocol approved by the
 1208 department, maintains the records or data in accordance with the
 1209 approved protocol, and enters into a purchase and data-use
 1210 agreement with the department, the fee provisions of which are
 1211 consistent with s. 119.07(4) ~~subsection (4)~~. The department may
 1212 deny a request for records or data if the protocol provides for
 1213 intrusive follow-back contacts, has not been approved by a human
 1214 studies institutional review board, does not plan for the
 1215 destruction of confidential records after the research is
 1216 concluded, is administratively burdensome, or does not have
 1217 scientific merit. The agreement must restrict the release of
 1218 any information that, ~~which~~ would permit the identification of
 1219 persons, limit the use of records or data to the approved
 1220 research protocol, and prohibit any other use of the records or
 1221 data. Copies of records or data issued pursuant to this
 1222 paragraph ~~subparagraph~~ remain the property of the department.

1223
 1224 This subsection ~~paragraph~~ is subject to the Open Government
 1225 Sunset Review Act ~~of 1995~~, in accordance with s. 119.15~~7~~ and
 1226 shall stand repealed on October 2, 2006, unless reviewed and
 1227 saved from repeal through reenactment by the Legislature.

1228 Section 33. Paragraph (aa) of subsection (6) of section

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1229 119.07, Florida Statutes, is transferred, redesignated as
 1230 subsection (2) of section 119.0712, Florida Statutes, and
 1231 amended to read:

1232 119.0712 Executive branch agency-specific exemptions from
 1233 inspection or copying of public records.--

1234 (2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.--

1235 ~~(aa)~~ Personal information contained in a motor vehicle
 1236 record that identifies the subject of that record is exempt from
 1237 s. 119.07(1) subsection (1) and s. 24(a), Art. I of the State
 1238 Constitution except as provided in this section ~~paragraph~~.

1239 Personal information includes, but is not limited to, the
 1240 subject's social security number, driver identification number,
 1241 name, address, telephone number, and medical or disability
 1242 information. For purposes of this subsection ~~paragraph~~, personal
 1243 information does not include information relating to vehicular
 1244 crashes, driving violations, and driver's status. For purposes
 1245 of this subsection ~~paragraph~~, the term "motor vehicle record"
 1246 means any record that pertains to a motor vehicle operator's
 1247 permit, motor vehicle title, motor vehicle registration, or
 1248 identification card issued by the Department of Highway Safety
 1249 and Motor Vehicles. Personal information contained in motor
 1250 vehicle records exempted by this subsection ~~paragraph~~ shall be
 1251 released by the department for any of the following uses:

1252 (a)1- For use in connection with matters of motor vehicle
 1253 or driver safety and theft; motor vehicle emissions; motor
 1254 vehicle product alterations, recalls, or advisories; performance
 1255 monitoring of motor vehicles and dealers by motor vehicle
 1256 manufacturers; and removal of nonowner records from the original

1257 owner records of motor vehicle manufacturers, to carry out the
 1258 purposes of the Automobile Information Disclosure Act, the Motor
 1259 Vehicle Information and Cost Saving Act, the National Traffic
 1260 and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of
 1261 1992, and the Clean Air Act.

1262 (b)2- For use by any government agency, including any
 1263 court or law enforcement agency, in carrying out its functions,
 1264 or any private person or entity acting on behalf of a federal,
 1265 state, or local agency in carrying out its functions.

1266 (c)3- For use in connection with matters of motor vehicle
 1267 or driver safety and theft; motor vehicle emissions; motor
 1268 vehicle product alterations, recalls, or advisories; performance
 1269 monitoring of motor vehicles, motor vehicle parts, and dealers;
 1270 motor vehicle market research activities, including survey
 1271 research; and removal of nonowner records from the original
 1272 owner records of motor vehicle manufacturers.

1273 (d)4- For use in the normal course of business by a
 1274 legitimate business or its agents, employees, or contractors,
 1275 but only:

1276 1.a- To verify the accuracy of personal information
 1277 submitted by the individual to the business or its agents,
 1278 employees, or contractors; and

1279 2.b- If such information as so submitted is not correct or
 1280 is no longer correct, to obtain the correct information, but
 1281 only for the purposes of preventing fraud by, pursuing legal
 1282 remedies against, or recovering on a debt or security interest
 1283 against, the individual.

1284 (e)5- For use in connection with any civil, criminal,

1285 administrative, or arbitral proceeding in any court or agency or
 1286 before any self-regulatory body for:

1287 1.a. Service of process by any certified process server,
 1288 special process server, or other person authorized to serve
 1289 process in this state.

1290 2.b. Investigation in anticipation of litigation by an
 1291 attorney licensed to practice law in this state or the agent of
 1292 the attorney; however, the information may not be used for mass
 1293 commercial solicitation of clients for litigation against motor
 1294 vehicle dealers.

1295 3.e. Investigation by any person in connection with any
 1296 filed proceeding; however, the information may not be used for
 1297 mass commercial solicitation of clients for litigation against
 1298 motor vehicle dealers.

1299 4.d. Execution or enforcement of judgments and orders.

1300 5.e. Compliance with an order of any court.

1301 (f)6. For use in research activities and for use in
 1302 producing statistical reports, so long as the personal
 1303 information is not published, redisclosed, or used to contact
 1304 individuals.

1305 (g)7. For use by any insurer or insurance support
 1306 organization, or by a self-insured entity, or its agents,
 1307 employees, or contractors, in connection with claims
 1308 investigation activities, anti-fraud activities, rating, or
 1309 underwriting.

1310 (h)8. For use in providing notice to the owners of towed
 1311 or impounded vehicles.

1312 (i)9. For use by any licensed private investigative agency

1313 or licensed security service for any purpose permitted under
 1314 this subsection ~~paragraph~~. Personal information obtained based
 1315 on an exempt driver's record may not be provided to a client who
 1316 cannot demonstrate a need based on a police report, court order,
 1317 or ~~a~~ business or personal relationship with the subject of the
 1318 investigation.

1319 (j)~~10~~. For use by an employer or its agent or insurer to
 1320 obtain or verify information relating to a holder of a
 1321 commercial driver's license that is required under 49 U.S.C. ss.
 1322 31301 et seq.

1323 (k)~~11~~. For use in connection with the operation of private
 1324 toll transportation facilities.

1325 (l)~~12~~. For bulk distribution for surveys, marketing, or
 1326 solicitations when the department has obtained the express
 1327 consent of the person to whom such personal information
 1328 pertains.

1329 (m)~~13~~. For any use if the requesting person demonstrates
 1330 that he or she has obtained the written consent of the person
 1331 who is the subject of the motor vehicle record.

1332 (n)~~14~~. For any other use specifically authorized by state
 1333 law, if such use is related to the operation of a motor vehicle
 1334 or public safety.

1335 (o)~~15~~. For any other use if the person to whom the
 1336 information pertains has given express consent on a form
 1337 prescribed by the department. Such consent shall remain in
 1338 effect until it is revoked by the person on a form prescribed by
 1339 the department.

1340

1341 The restrictions on disclosure of personal information provided
 1342 by this subsection ~~paragraph~~ shall not in any way affect the use
 1343 of organ donation information on individual driver licenses or
 1344 ~~not~~ affect the administration of organ donation initiatives in
 1345 this state. Personal information exempted from public disclosure
 1346 according to this subsection ~~paragraph~~ may be disclosed by the
 1347 Department of Highway Safety and Motor Vehicles to an
 1348 individual, firm, corporation, or similar business entity whose
 1349 primary business interest is to resell or redisclose the
 1350 personal information to persons who are authorized to receive
 1351 such information. Prior to the department's disclosure of
 1352 personal information, such individual, firm, corporation, or
 1353 similar business entity must first enter into a contract with
 1354 the department regarding the care, custody, and control of the
 1355 personal information to ensure compliance with the federal
 1356 Driver's Privacy Protection Act of 1994 and applicable state
 1357 laws. An authorized recipient of personal information contained
 1358 in a motor vehicle record, except a recipient under paragraph
 1359 (1) ~~subparagraph 12.~~, may contract with the Department of
 1360 Highway Safety and Motor Vehicles to resell or redisclose the
 1361 information for any use permitted under this section ~~paragraph~~.
 1362 However, only authorized recipients of personal information
 1363 under paragraph (1) ~~subparagraph 12.~~ may resell or redisclose
 1364 personal information pursuant to paragraph (1) ~~subparagraph 12.~~
 1365 Any authorized recipient who resells or rediscloses personal
 1366 information shall maintain, for a period of 5 years, records
 1367 identifying each person or entity that receives the personal
 1368 information and the permitted purpose for which it will be used.

1369 Such records shall be made available for inspection upon request
 1370 by the department. The department shall adopt rules to carry out
 1371 the purposes of this subsection ~~paragraph~~ and the federal
 1372 Driver's Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et
 1373 seq. Rules adopted by the department shall provide for the
 1374 payment of applicable fees and, prior to the disclosure of
 1375 personal information pursuant to this subsection ~~paragraph~~,
 1376 shall require the meeting of conditions by the requesting person
 1377 for the purposes of obtaining reasonable assurance concerning
 1378 the identity of such requesting person, and, to the extent
 1379 required, assurance that the use will be only as authorized or
 1380 that the consent of the person who is the subject of the
 1381 personal information has been obtained. Such conditions may
 1382 include, but need not be limited to, the making and filing of a
 1383 written application in such form and containing such information
 1384 and certification requirements as the department requires.

1385 Section 34. Paragraph (p) of subsection (6) of section
 1386 119.07, Florida Statutes, is transferred, redesignated as
 1387 subsection (1) of section 119.0713, Florida Statutes, and
 1388 amended to read:

1389 119.0713 Local government agency exemptions from
 1390 inspection or copying of public records.--

1391 (1)(p) All complaints and other records in the custody of
 1392 any unit of local government which relate to a complaint of
 1393 discrimination relating to race, color, religion, sex, national
 1394 origin, age, handicap, marital status, sale or rental of
 1395 housing, the provision of brokerage services, or the financing
 1396 of housing are exempt from s. 119.07(1) ~~the provisions of~~

1397 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution
 1398 until a finding is made relating to probable cause, the
 1399 investigation of the complaint becomes inactive, or the
 1400 complaint or other record is made part of the official record of
 1401 any hearing or court proceeding. This provision shall not
 1402 affect any function or activity of the Florida Commission on
 1403 Human Relations. Any state or federal agency that ~~which~~ is
 1404 authorized to have access to such complaints or records by any
 1405 provision of law shall be granted such access in the furtherance
 1406 of such agency's statutory duties, ~~notwithstanding the~~
 1407 ~~provisions of this section.~~ This subsection ~~paragraph~~ shall not
 1408 be construed to modify or repeal any special or local act.

1409 Section 35. Paragraph (hh) of subsection (6) of section
 1410 119.07, Florida Statutes, is transferred, redesignated as
 1411 subsection (2) of section 119.0713, Florida Statutes, and
 1412 amended to read:

1413 119.0713 Local government agency exemptions from
 1414 inspection or copying of public records.--

1415 (2)(hh) All personal identifying information contained in
 1416 records relating to a person's health held by local governmental
 1417 entities ~~or their service providers~~ for the purpose of
 1418 determining eligibility for paratransit services under Title II
 1419 of the Americans with Disabilities Act or eligibility for the
 1420 transportation disadvantaged program as provided in part I of
 1421 chapter 427 is confidential and exempt from s. 119.07(1) ~~the~~
 1422 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
 1423 Constitution, except as otherwise provided in this subsection
 1424 ~~herein~~. This exemption applies to personal identifying

1425 information contained in such records held by local governmental
 1426 entities ~~or their service providers~~ before, on, or after the
 1427 effective date of this exemption. Information made confidential
 1428 and exempt by this subsection ~~paragraph~~ shall be disclosed:

1429 (a)1. With the express written consent of the individual
 1430 or the individual's legally authorized representative;

1431 (b)2. In a medical emergency, but only to the extent
 1432 necessary to protect the health or life of the individual;

1433 (c)3. By court order upon a showing of good cause; or

1434 (d)4. For the purpose of determining eligibility for
 1435 paratransit services if the individual or the individual's
 1436 legally authorized representative has filed an appeal or
 1437 petition before an administrative body of a local government or
 1438 a court.

1439 Section 36. Paragraphs (y) and (z) of subsection (6) of
 1440 section 119.07, Florida Statutes, are transferred, redesignated
 1441 as subsections (3) and (4), respectively, of section 119.0713,
 1442 Florida Statutes, and amended to read:

1443 119.0713 Local government agency exemptions from
 1444 inspection or copying of public records.--

1445 (3)(y) The audit report of an internal auditor prepared
 1446 for or on behalf of a unit of local government becomes a public
 1447 record when the audit becomes final. As used in this subsection
 1448 ~~paragraph~~, the term "unit of local government" means a county,
 1449 municipality, special district, local agency, authority,
 1450 consolidated city-county government, or any other local
 1451 governmental body or public body corporate or politic authorized
 1452 or created by general or special law. An audit becomes final

1453 when the audit report is presented to the unit of local
 1454 government. Audit workpapers and notes related to such audit
 1455 report are confidential and exempt from s. 119.07(1) ~~the~~
 1456 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
 1457 Constitution until the audit is completed and the audit report
 1458 becomes final.

1459 (4)(z) Any data, record, or document used directly or
 1460 solely by a municipally owned utility to prepare and submit a
 1461 bid relative to the sale, distribution, or use of any service,
 1462 commodity, or tangible personal property to any customer or
 1463 prospective customer is ~~shall be~~ exempt from s. 119.07(1) ~~the~~
 1464 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
 1465 Constitution. This exemption commences when a municipal utility
 1466 identifies in writing a specific bid to which it intends to
 1467 respond. This exemption no longer applies when the contract for
 1468 sale, distribution, or use of the service, commodity, or
 1469 tangible personal property is executed, a decision is made not
 1470 to execute such contract, or the project is no longer under
 1471 active consideration. The exemption in this subsection ~~paragraph~~
 1472 includes the bid documents actually furnished in response to the
 1473 request for bids. However, the exemption for the bid documents
 1474 submitted no longer applies after the bids are opened by the
 1475 customer or prospective customer.

1476 Section 37. Section 119.15, Florida Statutes, is amended
 1477 to read:

1478 119.15 Legislative review of exemptions from public
 1479 meeting and public records requirements.--

1480 (1) This section may be cited as the "Open Government

1481 Sunset Review Act ~~of 1995.~~"

1482 (2) This section provides for the review and repeal or

1483 reenactment of an exemption from s. 24, Art. I of the State

1484 Constitution and s. ~~automatic application of the policy of open~~

1485 ~~government as provided in ss. 119.01 and 286.011 to certain~~

1486 ~~exemptions from ss. 119.07(1) or s. and 286.011. This act does~~

1487 not apply to an exemption that:

1488 (a) Is required by federal law; or

1489 (b) Applies solely to the Legislature or the State Court

1490 System. It is the intent of the Legislature that exemptions to

1491 ~~ss. 119.07(1) and 286.011 shall be created or maintained only~~

1492 ~~if:~~

1493 ~~(a) The exempted record or meeting is of a sensitive,~~

1494 ~~personal nature concerning individuals;~~

1495 ~~(b) The exemption is necessary for the effective and~~

1496 ~~efficient administration of a governmental program; or~~

1497 ~~(c) The exemption affects confidential information~~

1498 ~~concerning an entity.~~

1499

1500 ~~Thus, the maintenance or creation of an exemption must be~~

1501 ~~compelled as measured by these criteria. Further, the~~

1502 ~~Legislature finds that the public has a right to have access to~~

1503 ~~executive branch governmental meetings and records unless the~~

1504 ~~criteria in this section for restricting such access to a public~~

1505 ~~meeting or public record are met and the criteria are considered~~

1506 ~~during legislative review in connection with the particular~~

1507 ~~exemption to be significant enough to override the strong public~~

1508 ~~policy of open government. To strengthen the policy of open~~

1509 ~~government, the Legislature shall consider the criteria in this~~
 1510 ~~section before enacting future exemptions.~~

1511 (3)(a) In the 5th year after enactment of a new exemption
 1512 or substantial amendment of an existing exemption, the exemption
 1513 shall be repealed ~~repeal~~ on October 2nd of the 5th year, unless
 1514 the Legislature acts to reenact the exemption.

1515 (4)(a) A law that enacts a new exemption or substantially
 1516 amends an existing exemption must state that the record or
 1517 meeting is:

- 1518 1. Exempt from s. 24(a), Art. I of the State Constitution;
- 1519 2. Exempt from s. 119.07(1) or s. 286.011; and
- 1520 3. ~~State that the exemption is~~ Repealed at the end of 5
 1521 years and that the exemption must be reviewed by the Legislature
 1522 before the scheduled repeal date.

1523 (b) For purposes of this section, an exemption is
 1524 substantially amended if the amendment expands the scope of the
 1525 exemption to include more records or information or to include
 1526 meetings as well as records. An exemption is not substantially
 1527 amended if the amendment narrows the scope of the exemption.

1528 (c) This section is not intended to repeal an exemption
 1529 that has been amended following legislative review before the
 1530 scheduled repeal of the exemption if the exemption is not
 1531 substantially amended as a result of the review.

1532 (5)(d) By June 1 in the year before the repeal of an
 1533 exemption under this section, the Division of Statutory Revision
 1534 of the Office of Legislative Services shall certify to the
 1535 President of the Senate and the Speaker of the House of
 1536 Representatives, ~~by June 1,~~ the language and statutory citation

1537 of each exemption scheduled for repeal the following year ~~which~~
 1538 ~~meets the criteria of an exemption as defined in this section.~~

1539 (b) Any exemption that is not identified and certified to
 1540 the President of the Senate and the Speaker of the House of
 1541 Representatives is not subject to legislative review and repeal
 1542 under this section. If the division fails to certify an
 1543 exemption that it subsequently determines should have been
 1544 certified, it shall include the exemption in the following
 1545 year's certification after that determination.

1546 ~~(c) The term "exemption" means a provision of the Florida~~
 1547 ~~Statutes which creates an exception to s. 119.07(1) or s.~~
 1548 ~~286.011 and which applies to the executive branch of state~~
 1549 ~~government or to local government, but it does not include any~~
 1550 ~~provision of a special law or local law.~~

1551 ~~(f) An exemption that is required by federal law is not~~
 1552 ~~subject to repeal under this section.~~

1553 ~~(g) An exemption that applies solely to the Legislature or~~
 1554 ~~the State Court System is not subject to repeal under this~~
 1555 ~~section.~~

1556 (6)(4)(a) ~~The Legislature shall review the exemption~~
 1557 ~~before its scheduled repeal and consider~~ As part of the review
 1558 process, the Legislature shall consider the following:

1559 1. What specific records or meetings are affected by the
 1560 exemption?

1561 2. Whom does the exemption uniquely affect, as opposed to
 1562 the general public?

1563 3. What is the identifiable public purpose or goal of the
 1564 exemption?

1565 4. Can the information contained in the records or
 1566 discussed in the meeting be readily obtained by alternative
 1567 means? If so, how?

1568 5. Is the record or meeting protected by another
 1569 exemption?

1570 6. Are there multiple exemptions for the same type of
 1571 record or meeting that it would be appropriate to merge?

1572 (b) An exemption may be created, revised, or maintained
 1573 only if it serves an identifiable public purpose, and the
 1574 exemption may be no broader than is necessary to meet the public
 1575 purpose it serves. An identifiable public purpose is served if
 1576 the exemption meets one of the following purposes and the
 1577 Legislature finds that the purpose is sufficiently compelling to
 1578 override the strong public policy of open government and cannot
 1579 be accomplished without the exemption:

1580 1. Allows the state or its political subdivisions to
 1581 effectively and efficiently administer a governmental program,
 1582 which administration would be significantly impaired without the
 1583 exemption;

1584 2. Protects information of a sensitive personal nature
 1585 concerning individuals, the release of which information would
 1586 be defamatory to such individuals or cause unwarranted damage to
 1587 the good name or reputation of such individuals or would
 1588 jeopardize the safety of such individuals. However, in
 1589 exemptions under this subparagraph, only information that would
 1590 identify the individuals may be exempted; or

1591 3. Protects information of a confidential nature
 1592 concerning entities, including, but not limited to, a formula,

1593 pattern, device, combination of devices, or compilation of
1594 information which is used to protect or further a business
1595 advantage over those who do not know or use it, the disclosure
1596 of which information would injure the affected entity in the
1597 marketplace.

1598 (7)(e) Records made before the date of a repeal of an
1599 exemption under this section may not be made public unless
1600 otherwise provided by law. In deciding whether the records
1601 shall be made public, the Legislature shall consider whether the
1602 damage or loss to persons or entities uniquely affected by the
1603 exemption of the type specified in subparagraph (6)(b)2. ~~(b)2.~~
1604 or subparagraph (6)(b)3. ~~(b)3.~~ would occur if the records were
1605 made public.

1606 ~~(d) An exemption that is created or revived and reenacted~~
1607 ~~must contain uniform language that clearly states the section in~~
1608 ~~the Florida Statutes from which it is exempt, s. 119.07(1) or s.~~
1609 ~~286.011. The uniform language must also provide for the maximum~~
1610 ~~public access to the meetings and records as is consistent with~~
1611 ~~the purpose of the exemption. An exemption that is created or~~
1612 ~~substantially amended must state that the exemption is repealed~~
1613 ~~at the end of 5 years and that the exemption must be reviewed by~~
1614 ~~the Legislature before the scheduled date of repeal.~~

1615 (8)(e) Notwithstanding s. 768.28 or any other law, neither
1616 the state or its political subdivisions nor any other public
1617 body shall be made party to any suit in any court or incur any
1618 liability for the repeal or revival and reenactment of an
1619 exemption under this section. The failure of the Legislature to

1620 | comply strictly with this section does not invalidate an
 1621 | otherwise valid reenactment.

1622 | Section 38. Paragraph (w) of subsection (6) of section
 1623 | 119.07, Florida Statutes, is transferred, redesignated as
 1624 | section 112.31891, Florida Statutes, and amended to read:

1625 | 112.31891 Investigatory records.--

1626 | ~~(1)(w)~~1. If certified pursuant to subsection (2)
 1627 | ~~subparagraph 2.~~, an investigatory record of the Chief Inspector
 1628 | General within the Executive Office of the Governor or of the
 1629 | employee designated by an agency head as the agency inspector
 1630 | general under s. 112.3189 is exempt from s. 119.07(1) ~~the~~
 1631 | ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
 1632 | Constitution until the registration ceases to be active, or a
 1633 | report detailing the investigation is provided to the Governor
 1634 | or the agency head, or 60 days from the inception of the
 1635 | investigation for which the record was made or received,
 1636 | whichever first occurs. Investigatory records are those records
 1637 | that ~~which~~ are related to the investigation of an alleged,
 1638 | specific act or omission or other wrongdoing, with respect to an
 1639 | identifiable person or group of persons, based on information
 1640 | compiled by the Chief Inspector General or by an agency
 1641 | inspector general, as named under the provisions of s. 112.3189,
 1642 | in the course of an investigation. An investigation is active
 1643 | if it is continuing with a reasonable, good faith anticipation
 1644 | of resolution and with reasonable dispatch.

1645 | ~~(2)~~2. The Governor, in the case of the Chief Inspector
 1646 | General, or agency head, in the case of an employee designated
 1647 | as the agency inspector general under s. 112.3189, may certify

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1648 that such investigatory records require an exemption to protect
 1649 the integrity of the investigation or avoid unwarranted damage
 1650 to an individual's good name or reputation. The certification
 1651 must ~~shall~~ specify the nature and purpose of the investigation
 1652 and shall be kept with the exempt records and made public when
 1653 the records are made public.

1654 ~~(3)3. The provisions of This section does paragraph do~~ not
 1655 apply to whistle-blower investigations conducted pursuant to ~~the~~
 1656 ~~provisions of~~ ss. 112.3187, 112.3188, 112.3189, and 112.31895.

1657 Section 39. Section 119.19, Florida Statutes, is
 1658 transferred, redesignated as section 27.7081, Florida Statutes,
 1659 and amended to read:

1660 27.7081 ~~119.19~~ Capital postconviction public records
 1661 production.--

1662 (1) As used in this section, the term "trial court" means:

1663 (a) The judge who entered the judgment and imposed the
 1664 sentence of death; or

1665 (b) If a motion for postconviction relief in a capital
 1666 case has been filed and a different judge has already been
 1667 assigned to that motion, the judge who is assigned to rule on
 1668 that motion.

1669 (2) The Secretary of State shall establish and maintain a
 1670 records repository for the purpose of archiving capital
 1671 postconviction public records as provided for in this section.

1672 (3)(a) Upon imposition of a death sentence or upon the
 1673 effective date of this act with respect to any case in which a
 1674 death sentence has been imposed but the mandate has not yet been
 1675 issued in an appeal affirming the sentence, the prosecuting

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1676 attorney shall promptly provide written notification to each law
1677 enforcement agency involved in the case and to the Department of
1678 Corrections. If available, the written notification must include
1679 the defendant's date of birth, sex, race, and police-case
1680 numbers included in the prosecuting attorney's case file.

1681 (b) Within 60 days after receipt of notification, each law
1682 enforcement agency involved in the case and the prosecuting
1683 attorney who prosecuted the case shall copy, seal, and deliver
1684 to the repository all public records, except for those filed in
1685 the trial court, which were produced in the investigation or
1686 prosecution of the case or, if the records are confidential or
1687 exempt, to the clerk of the court in the county in which the
1688 capital case was tried. Each agency shall bear the costs of its
1689 own compliance.

1690 (c) Within 60 days after notification, the Department of
1691 Corrections shall copy, seal, and deliver to the repository or,
1692 if the records are confidential or exempt, to the clerk of the
1693 court in the county in which the capital case was tried all
1694 public records determined by the department to be relevant to
1695 the subject matter of a capital postconviction claim of the
1696 person sentenced to death and where such production would not be
1697 unduly burdensome for the department. The department shall bear
1698 the costs.

1699 (4)(a) The chief law enforcement officer of each law
1700 enforcement agency that was involved in the case, whether
1701 through an investigation, arrest, prosecution, or incarceration,
1702 shall notify the Attorney General upon compliance with
1703 subsection (3) and shall certify that to the best of his or her

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1704 knowledge and belief all public records in possession of the
1705 agency or in possession of any employee of the agency have been
1706 copied, indexed, and delivered to the records repository or, if
1707 the records are confidential or exempt, to the clerk of the
1708 court in the county in which the capital case was tried as
1709 required by this section.

1710 (b) The prosecuting attorney who prosecuted the case shall
1711 provide written notification to the Attorney General upon
1712 compliance with subsection (3) and shall certify that to the
1713 best of his or her knowledge and belief all public records in
1714 his or her possession have been copied, indexed, and delivered
1715 to the records repository or, if the records are confidential or
1716 exempt, to the clerk of the court in the county in which the
1717 capital case was tried as required by this section.

1718 (c) The Secretary of Corrections shall provide written
1719 notification to the Attorney General upon compliance with
1720 paragraph (3)(c) and shall certify that to the best of his or
1721 her knowledge and belief all public records in the department's
1722 possession have been copied, indexed, and delivered to the
1723 records repository or, if the records are confidential or
1724 exempt, to the clerk of the court in the county in which the
1725 capital case was tried as required by this section.

1726 (5)(a) Within 60 days after the imposition of a death
1727 sentence or upon the effective date of this act with respect to
1728 any case in which a death sentence has been imposed but the
1729 mandate has not yet been issued in an appeal affirming the
1730 sentence, both the public defender or private counsel for the
1731 defendant and the prosecuting attorney involved in the case

1732 shall provide written notification to the Attorney General of
1733 the name and address of any person or agency in addition to
1734 those persons and agencies listed in subsection (3) which may
1735 have information pertinent to the case unless previously
1736 provided to the capital collateral regional counsel or
1737 postconviction private counsel. The Attorney General shall
1738 promptly provide written notification to each identified person
1739 or agency after receiving the information from the public
1740 defender, private counsel for the defendant, or prosecuting
1741 attorney and shall request that all public records in the
1742 possession of the person or agency which pertain to the case be
1743 copied, sealed, and delivered to the records repository.

1744 (b) Within 60 days after receiving a request for public
1745 records under paragraph (a), the person or agency shall provide
1746 written notification to the Attorney General of compliance with
1747 this subsection and shall certify that to the best of his or her
1748 knowledge and belief all public records requested have been
1749 copied, indexed, and delivered to the records repository or, if
1750 the records are confidential or exempt, to the clerk of the
1751 court in the county in which the capital case was tried.

1752 (6)(a) Any public record under this section which is
1753 confidential or exempt from the requirements of s. 119.07(1) and
1754 s. 24(a), Art. I of the State Constitution must be separately
1755 boxed, without being redacted, and sealed. The box must be
1756 delivered to the clerk of court in the county in which the
1757 capital case was tried. The outside of the box must clearly
1758 identify the public records as exempt, and the seal may not be
1759 broken without an order of the trial court. The outside of the

1760 box must identify the nature of the public records and the legal
1761 basis under which the public records are exempt.

1762 (b) Such a box may be opened only for an inspection by the
1763 trial court in camera and only after notice giving the agency
1764 the option to have a representative present at the unsealing by
1765 the court.

1766 (7)(a) Within 180 days after a capital collateral regional
1767 counsel or private counsel is appointed to represent a defendant
1768 sentenced to death, or within 30 days after issuance of the
1769 Florida Supreme Court's mandate affirming a death sentence,
1770 whichever is later, the regional counsel, private counsel, or
1771 other counsel who is a member of The Florida Bar and is
1772 authorized by such counsel representing a defendant may send a
1773 written demand for additional public records to each person or
1774 agency submitting public records under subsection (3) and to
1775 each person or agency identified as having information pertinent
1776 to the case under subsection (5). Should the written demand
1777 include requests for records associated with particular named
1778 individuals, the written demand shall also include a brief
1779 statement describing each named person's role in the case and
1780 relationship to the defendant. Race, sex, and date of birth
1781 shall also be included in the demand if the public defender,
1782 private counsel, or capital collateral regional counsel has such
1783 information. Each person or agency notified under this
1784 subsection shall, within 60 days after receipt of the written
1785 demand, deliver to the records repository or, if the records are
1786 confidential or exempt, to the clerk of the court in the county
1787 in which the capital case was tried any additional public

1788 records in the possession of the person or agency which pertain
 1789 to the case and shall certify that to the best of his or her
 1790 knowledge and belief all additional public records have been
 1791 delivered or, if no additional public records are found, shall
 1792 recertify that the public records previously delivered are
 1793 complete.

1794 (b) Within 25 days after receiving the written demand, the
 1795 agency or person may file an objection in the trial court
 1796 alleging that the request is overly broad or unduly burdensome.
 1797 Within 30 days after the filing of an objection, the trial court
 1798 shall hold a hearing and order an agency or person to produce
 1799 additional public records if it finds each of the following:

1800 1. The regional counsel or private counsel has made a
 1801 timely and diligent search as provided in this section.

1802 2. The regional or private counsel's written demand
 1803 identifies, with specificity, those additional public records
 1804 that are not at the repository.

1805 3. The additional public records sought are relevant to
 1806 the subject matter of a capital postconviction relief or appear
 1807 reasonably calculated to lead to the discovery of admissible
 1808 evidence in prosecuting such claim.

1809 4. The additional public records request is not overbroad
 1810 or unduly burdensome.

1811 (c) This statute shall not be a basis for renewing
 1812 requests that have been initiated previously or for relitigating
 1813 issues pertaining to production of public records upon which a
 1814 court has ruled.

1815 (d) If, on October 1, 1998, the defendant had a Rule 3.850
 1816 motion denied and no Rule 3.850 motion was pending, no
 1817 additional requests shall be made by capital collateral regional
 1818 counsel or contracted private counsel until a death warrant is
 1819 signed by the Governor and an execution is scheduled. Within 10
 1820 days of the signing of the death warrant, capital collateral
 1821 regional counsel or contracted private counsel may request of a
 1822 person or agency that the defendant has previously requested to
 1823 produce records any records previously requested to which no
 1824 objection was raised or sustained, but which the agency has
 1825 received or produced since the previous request or which for any
 1826 reason the agency has in its possession and did not produce
 1827 within 10 days of the receipt of the previous notice or such
 1828 shorter time period ordered by the court to comply with the time
 1829 for the scheduled execution. The person or agency shall produce
 1830 the record or shall file in the trial court an affidavit stating
 1831 that it does not have the requested record or that the record
 1832 has been produced previously.

1833 (8)(a) After production of additional public records or
 1834 recertification as provided in subsection (7), the regional
 1835 counsel or the private counsel is prohibited from making any
 1836 further public records requests under this chapter. An agency is
 1837 not required to produce additional public records except by
 1838 court order as provided in this subsection.

1839 (b) In order to obtain additional public records beyond
 1840 those provided under subsection (7), the regional counsel,
 1841 private counsel, or other counsel who is a member of The Florida
 1842 Bar and is authorized by the regional counsel or private counsel

1843 shall file an affidavit in the trial court which attests that he
 1844 or she has made a timely and diligent search of the records
 1845 repository and specifically identifies those additional public
 1846 records that are not at the repository and are relevant to the
 1847 subject matter of a capital postconviction claim or are
 1848 reasonably calculated to lead to the discovery of admissible
 1849 evidence in the prosecution of such claim. The affiant shall
 1850 provide a copy of the affidavit to all affected agencies upon
 1851 the filing of such affidavit in the trial court.

1852 (c) Within 15 days after the filing of an affidavit, the
 1853 trial court shall order an agency to produce additional public
 1854 records only if it finds each of the following:

1855 1. The regional counsel or private counsel has made a
 1856 timely and diligent search as provided in this section.

1857 2. The regional or private counsel's affidavit identifies,
 1858 with specificity, those additional public records that are not
 1859 at the repository.

1860 3. The additional public records sought are relevant to
 1861 the subject matter of a claim for capital postconviction relief
 1862 or appear reasonably calculated to lead to the discovery of
 1863 admissible evidence in prosecuting such claim.

1864 4. The additional public records request is not overbroad
 1865 or unduly burdensome.

1866 (9) The Secretary of State shall provide the personnel,
 1867 supplies, and any necessary equipment used by the capital
 1868 collateral regional counsel or private counsel to copy records
 1869 held at the records repository.

1870 (10) The trial court shall resolve any dispute that arises
 1871 under this section, unless the appellate court has exclusive
 1872 jurisdiction.

1873 (11) The capital collateral regional counsel or private
 1874 counsel shall not solicit another person to make a request for
 1875 public records on behalf of the regional counsel or private
 1876 counsel. The trial court shall impose appropriate sanctions
 1877 against any regional counsel or private counsel found in
 1878 violation of this subsection.

1879 (12) Sixty days after a capital sentence is carried out,
 1880 60 days after a defendant is released from incarceration
 1881 following the granting of a pardon or reversal of the sentence,
 1882 or 60 days after the defendant has been resentenced to a term of
 1883 years, the Attorney General shall provide written notification
 1884 to the Secretary of State, who may then destroy the records held
 1885 by the records repository which pertain to that case.

1886 (13) This section pertains only to the production of
 1887 records for capital postconviction defendants and does not
 1888 change or alter any time limitations provided by law governing
 1889 capital postconviction claims and actions. Furthermore, this
 1890 section does not affect, expand, or limit the production of
 1891 public records for any purposes other than use in a capital
 1892 postconviction proceeding. Nothing in this section constitutes
 1893 grounds to expand the time limitations or allow any pleading in
 1894 violation of chapter 924 or to stay an execution or death
 1895 warrant.

1896 Section 40. Subsection (3) of section 27.708, Florida
 1897 Statutes, is amended to read:

1898 27.708 Access to prisoners; compliance with the Florida
1899 Rules of Criminal Procedure; records requests.--

1900 (3) Except as provided in s. 27.7081 ~~119.19~~, the capital
1901 collateral regional counsel or contracted private counsel shall
1902 not make any public records request on behalf of his or her
1903 client.

1904 Section 41. Paragraph (d) of subsection (1) of section
1905 101.5607, Florida Statutes, is amended to read:

1906 101.5607 Department of State to maintain voting system
1907 information; prepare software.--

1908 (1)

1909 (d) Section 119.071(1)(f) ~~119.07(6)(e)~~ applies to all
1910 software on file with the Department of State.

1911 Section 42. Paragraph (b) of subsection (2) of section
1912 112.533, Florida Statutes, is amended to read:

1913 112.533 Receipt and processing of complaints.--

1914 (2)

1915 (b) This subsection does not apply to any public record
1916 which is exempt from public disclosure pursuant to chapter 119
1917 ~~s. 119.07(6)~~. For the purposes of this subsection, an
1918 investigation shall be considered active as long as it is
1919 continuing with a reasonable, good faith anticipation that an
1920 administrative finding will be made in the foreseeable future.
1921 An investigation shall be presumed to be inactive if no finding
1922 is made within 45 days after the complaint is filed.

1923 Section 43. Paragraph (c) of subsection (3) of section
1924 119.011, Florida Statutes, is amended to read:

1925 119.011 Definitions.--As used in this chapter, the term:

1926 (3)

1927 (c) "Criminal intelligence information" and "criminal

1928 investigative information" shall not include:

1929 1. The time, date, location, and nature of a reported

1930 crime.

1931 2. The name, sex, age, and address of a person arrested or

1932 of the victim of a crime except as provided in s. 119.071(2)(h)

1933 ~~119.07(6)(f)~~.

1934 3. The time, date, and location of the incident and of the

1935 arrest.

1936 4. The crime charged.

1937 5. Documents given or required by law or agency rule to be

1938 given to the person arrested, except as provided in s.

1939 119.071(2)(h) ~~119.07(6)(f)~~, and, except that the court in a

1940 criminal case may order that certain information required by law

1941 or agency rule to be given to the person arrested be maintained

1942 in a confidential manner and exempt from the provisions of s.

1943 119.07(1) until released at trial if it is found that the

1944 release of such information would:

1945 a. Be defamatory to the good name of a victim or witness

1946 or would jeopardize the safety of such victim or witness; and

1947 b. Impair the ability of a state attorney to locate or

1948 prosecute a codefendant.

1949 6. Informations and indictments except as provided in s.

1950 905.26.

1951 Section 44. Section 286.0113, Florida Statutes, is amended

1952 to read:

1953 286.0113 General exemptions from public meetings.--Those
 1954 portions of any meeting which would reveal a security system
 1955 plan or portion thereof made confidential and exempt by s.
 1956 119.071(3)(a)~~(1)~~ are exempt from the provisions of s. 286.011
 1957 and s. 24(b), Art. I of the State Constitution. This section is
 1958 subject to the Open Government Sunset Review Act of 1995, in
 1959 accordance with s. 119.15, and shall stand repealed on October
 1960 2, 2006, unless reviewed and saved from repeal through
 1961 reenactment by the Legislature.

1962 Section 45. Paragraph (h) of subsection (2) of section
 1963 287.0943, Florida Statutes, is amended to read:

1964 287.0943 Certification of minority business enterprises.--
 1965 (2)

1966 (h) The certification procedures should allow an applicant
 1967 seeking certification to designate on the application form the
 1968 information the applicant considers to be proprietary,
 1969 confidential business information. As used in this paragraph,
 1970 "proprietary, confidential business information" includes, but
 1971 is not limited to, any information that would be exempt from
 1972 public inspection pursuant to the provisions of chapter 119 s-
 1973 ~~119.07(6)~~; trade secrets; internal auditing controls and
 1974 reports; contract costs; or other information the disclosure of
 1975 which would injure the affected party in the marketplace or
 1976 otherwise violate s. 286.041. The executor in receipt of the
 1977 application shall issue written and final notice of any
 1978 information for which noninspection is requested but not
 1979 provided for by law.

1980 Section 46. Subsection (1) of section 320.05, Florida
 1981 Statutes, is amended to read:

1982 320.05 Records of the department; inspection procedure;
 1983 lists and searches; fees.--

1984 (1) Except as provided in chapter 119 ~~ss. 119.07(6)~~ and
 1985 320.025(3), the department may release records as provided in
 1986 this section.

1987 Section 47. Subsection (8) of section 322.20, Florida
 1988 Statutes, is amended to read:

1989 322.20 Records of the department; fees; destruction of
 1990 records.--

1991 (8) Except as provided in chapter 119 ~~s. 119.07(6)~~, the
 1992 department may release records as provided in this section.

1993 Section 48. Paragraph (b) of subsection (2) of section
 1994 338.223, Florida Statutes, is amended to read:

1995 338.223 Proposed turnpike projects.--

1996 (2)

1997 (b) In accordance with the legislative intent expressed in
 1998 s. 337.273, and after the requirements of paragraph (1)(c) have
 1999 been met, the department may acquire lands and property before
 2000 making a final determination of the economic feasibility of a
 2001 project. The requirements of paragraph (1)(c) do not apply to
 2002 hardship and protective purchases of advance right-of-way by the
 2003 department. The cost of advance acquisition of right-of-way may
 2004 be paid from bonds issued under s. 337.276 or from turnpike
 2005 revenues. For purposes of this paragraph, the term "hardship
 2006 purchase" means purchase from a property owner of a residential
 2007 dwelling of not more than four units who is at a disadvantage

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2008 | due to health impairment, job loss, or significant loss of
 2009 | rental income. For purposes of this paragraph, the term
 2010 | "protective purchase" means that a purchase to limit
 2011 | development, building, or other intensification of land uses
 2012 | within the area right-of-way is needed for transportation
 2013 | facilities. The department shall give written notice to the
 2014 | Department of Environmental Protection 30 days before final
 2015 | agency acceptance as set forth in s. 119.0711(2) ~~119.07(6)(n)~~,
 2016 | which notice shall allow the Department of Environmental
 2017 | Protection to comment. Hardship and protective purchases of
 2018 | right-of-way shall not influence the environmental feasibility
 2019 | of a project, including the decision relative to the need to
 2020 | construct the project or the selection of a specific location.
 2021 | Costs to acquire and dispose of property acquired as hardship
 2022 | and protective purchases are considered costs of doing business
 2023 | for the department and are not to be considered in the
 2024 | determination of environmental feasibility for the project.

2025 | Section 49. Subsection (5) of section 401.27, Florida
 2026 | Statutes, is amended to read:

2027 | 401.27 Personnel; standards and certification.--

2028 | (5) The certification examination must be offered monthly.
 2029 | The department shall issue an examination admission notice to
 2030 | the applicant advising him or her of the time and place of the
 2031 | examination for which he or she is scheduled. Individuals
 2032 | achieving a passing score on the certification examination may
 2033 | be issued a temporary certificate with their examination grade
 2034 | report. The department must issue an original certification
 2035 | within 45 days after the examination. Examination questions and

2036 | answers are not subject to discovery but may be introduced into
 2037 | evidence and considered only in camera in any administrative
 2038 | proceeding under chapter 120. If an administrative hearing is
 2039 | held, the department shall provide challenged examination
 2040 | questions and answers to the administrative law judge. The
 2041 | department shall establish by rule the procedure by which an
 2042 | applicant, and the applicant's attorney, may review examination
 2043 | questions and answers in accordance with s. 119.071(1)(a)
 2044 | ~~119.07(6)(a)~~.

2045 | Section 50. Section 409.2577, Florida Statutes, is amended
 2046 | to read:

2047 | 409.2577 Parent locator service.--The department shall
 2048 | establish a parent locator service to assist in locating parents
 2049 | who have deserted their children and other persons liable for
 2050 | support of dependent children. The department shall use all
 2051 | sources of information available, including the Federal Parent
 2052 | Locator Service, and may request and shall receive information
 2053 | from the records of any person or the state or any of its
 2054 | political subdivisions or any officer thereof. Any agency as
 2055 | defined in s. 120.52, any political subdivision, and any other
 2056 | person shall, upon request, provide the department any
 2057 | information relating to location, salary, insurance, social
 2058 | security, income tax, and employment history necessary to locate
 2059 | parents who owe or potentially owe a duty of support pursuant to
 2060 | Title IV-D of the Social Security Act. This provision shall
 2061 | expressly take precedence over any other statutory nondisclosure
 2062 | provision which limits the ability of an agency to disclose such
 2063 | information, except that law enforcement information as provided

2064 in s. 119.071(4)(d) ~~119.07(6)(i)~~ is not required to be
 2065 disclosed, and except that confidential taxpayer information
 2066 possessed by the Department of Revenue shall be disclosed only
 2067 to the extent authorized in s. 213.053(15). Nothing in this
 2068 section requires the disclosure of information if such
 2069 disclosure is prohibited by federal law. Information gathered or
 2070 used by the parent locator service is confidential and exempt
 2071 from the provisions of s. 119.07(1). Additionally, the
 2072 department is authorized to collect any additional information
 2073 directly bearing on the identity and whereabouts of a person
 2074 owing or asserted to be owing an obligation of support for a
 2075 dependent child. The department shall, upon request, make
 2076 information available only to public officials and agencies of
 2077 this state; political subdivisions of this state, including any
 2078 agency thereof providing child support enforcement services to
 2079 non-Title IV-D clients; the custodial parent, legal guardian,
 2080 attorney, or agent of the child; and other states seeking to
 2081 locate parents who have deserted their children and other
 2082 persons liable for support of dependents, for the sole purpose
 2083 of establishing, modifying, or enforcing their liability for
 2084 support, and shall make such information available to the
 2085 Department of Children and Family Services for the purpose of
 2086 diligent search activities pursuant to chapter 39. If the
 2087 department has reasonable evidence of domestic violence or child
 2088 abuse and the disclosure of information could be harmful to the
 2089 custodial parent or the child of such parent, the child support
 2090 program director or designee shall notify the Department of
 2091 Children and Family Services and the Secretary of the United

2092 States Department of Health and Human Services of this evidence.
 2093 Such evidence is sufficient grounds for the department to
 2094 disapprove an application for location services.

2095 Section 51. Subsection (1) of section 633.527, Florida
 2096 Statutes, is amended to read:

2097 633.527 Records concerning applicant; extent of
 2098 confidentiality.--

2099 (1) Test material is made confidential by s. 119.071(1)(a)
 2100 ~~119.07(6)(a)~~. An applicant may waive in writing the
 2101 confidentiality of his or her examination answer sheet for the
 2102 purpose of discussion with the State Fire Marshal or his or her
 2103 staff.

2104 Section 52. Subsection (1) of section 794.024, Florida
 2105 Statutes, is amended to read:

2106 794.024 Unlawful to disclose identifying information.--

2107 (1) A public employee or officer who has access to the
 2108 photograph, name, or address of a person who is alleged to be
 2109 the victim of an offense described in this chapter, chapter 800,
 2110 s. 827.03, s. 827.04, or s. 827.071 may not willfully and
 2111 knowingly disclose it to a person who is not assisting in the
 2112 investigation or prosecution of the alleged offense or to any
 2113 person other than the defendant, the defendant's attorney, a
 2114 person specified in an order entered by the court having
 2115 jurisdiction of the alleged offense, or organizations authorized
 2116 to receive such information made exempt by s. 119.071(2)(h)
 2117 ~~119.07(6)(f)~~, or to a rape crisis center or sexual assault
 2118 counselor, as defined in s. 90.5035(1)(b), who will be offering
 2119 services to the victim.

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2120 Section 53. Paragraph (b) of subsection (8) of section
 2121 1007.35, Florida Statutes, is amended to read:
 2122 1007.35 Florida Partnership for Minority and
 2123 Underrepresented Student Achievement.--
 2124 (8)
 2125 (b) The department shall contribute to the evaluation
 2126 process by providing access, consistent with s. 119.071(5)(a)
 2127 ~~119.0721~~, to student and teacher information necessary to match
 2128 against databases containing teacher professional development
 2129 data and databases containing assessment data for the
 2130 PSAT/NMSQT, SAT, AP, and other appropriate measures. The
 2131 department shall also provide student-level data on student
 2132 progress from middle school through high school and into college
 2133 and the workforce, if available, in order to support
 2134 longitudinal studies. The partnership shall analyze and report
 2135 student performance data in a manner that protects the rights of
 2136 students and parents as required in 20 U.S.C. s. 1232g and s.
 2137 1002.22.
 2138 Section 54. This act shall take effect October 1, 2005.