

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Vana offered the following:

2
3 **Amendment**

4 On page 2, line 9 through page 3 line 22,
5 remove: all of said lines

6
7 and insert:

8 (d)~~(b)~~ A person who has custody of a public record who
9 asserts that an exemption applies to a part of such record shall
10 redact that portion of the record to which an exemption has been
11 asserted and validly applies, and such person shall produce the
12 remainder of such record for inspection and copying.

13 (e)~~(e)~~ If the person who has custody of a public record
14 contends that all or part of the record is exempt from
15 inspection and copying, he or she shall state the basis of the
16 exemption that he or she contends is applicable to the record,

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17 including the statutory citation to an exemption created or
18 afforded by statute.

19 (f)~~(d)~~ If requested by the person seeking to inspect or
20 copy the record, the custodian of public records shall state in
21 writing and with particularity the reasons for the conclusion
22 that the record is exempt or confidential.

23 (g)~~(e)~~ In any civil action in which an exemption to this
24 section is asserted, if the exemption is alleged to exist under
25 or by virtue of s. 119.071(1)(d) or (f), (2)(d), (e), or (f), or
26 (4)(c), the public record or part thereof in question shall be
27 submitted to the court for an inspection in camera. If an
28 exemption is alleged to exist under or by virtue of s.
29 119.071(2)(c), an inspection in camera is discretionary with the
30 court. If the court finds that the asserted exemption is not
31 applicable, it shall order the public record or part thereof in
32 question to be immediately produced for inspection or copying as
33 requested by the person seeking such access.

34 (h)~~(f)~~ Even if an assertion is made by the custodian of
35 public records that a requested record is not a public record
36 subject to public inspection or copying under this subsection,
37 the requested record shall, nevertheless, not be disposed of for
38 a period of 30 days after the date on which a written request to
39 inspect or copy the record was served on or otherwise made to
40 the custodian of public records by the person seeking access to
41 the record. If a civil action is instituted within the 30-day
42 period to enforce the provisions of this section with respect to
43 the requested record, the custodian of public records may not

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HOUSE AMENDMENT

Bill No. SB 1760

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44 dispose of the record except by order of a court of competent
45 jurisdiction after notice to all affected parties.

46 (i)~~(g)~~ The absence of a civil action instituted for the
47 purpose stated in paragraph (g)~~(e)~~ does not relieve the
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