

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Vana offered the following:

2
3 **Amendment (with directory and title amendments)**

4 On page 2, line 8 through page 3 line 22,
5 remove: all of said lines:

6
7 and insert:

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

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

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17 exemption that he or she contends is applicable to the record,
18 including the statutory citation to an exemption created or
19 afforded by statute.

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

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

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

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HOUSE AMENDMENT

Bill No. SB 1760

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

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