

ENROLLED
HB 7025

2009 Legislature

1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act regarding archival materials;
4 renumbering and amending s. 257.35(1)(b), F.S.;
5 transferring provisions which provide a public record
6 exemption for all public records transferred to the
7 custody of the division and any nonpublic manuscript and
8 or other archival material which is placed in the keeping
9 of the division under special terms and conditions;
10 amending s. 257.38, F.S.; defining "nonpublic manuscript
11 or other archival material"; clarifying the public records
12 exemption for nonpublic manuscripts or other archival
13 materials donated to and held by an official archive of a
14 municipality or county contingent upon special terms and
15 conditions that limit the right to inspect or copy such
16 manuscripts or materials; removing the scheduled repeal of
17 the exemption; making editorial changes; amending s.
18 257.35, F.S.; reorganizing provisions; providing an
19 effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Paragraph (b) of subsection (1) of section
24 257.35, Florida Statutes, is transferred and redesignated as
25 subsections (1), (2), and (3) of section 257.38, Florida
26 Statutes, and amended, and that section is amended, to read:
27 257.38 Manuscripts or other archival material ~~held by~~
28 ~~local government~~; public records exemption.--

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29 (1) ~~(b)~~ For purposes of this section, "nonpublic manuscript
 30 or other archival material" means a manuscript or archival
 31 material that is not otherwise made or received pursuant to law
 32 or ordinance or in connection with the transaction of official
 33 business by any governmental agency. ~~Preserve and administer~~
 34 ~~such records as shall be transferred to its custody; accept,~~
 35 ~~arrange, and preserve them, according to approved archival~~
 36 ~~practices; and permit them, at reasonable times and under the~~
 37 ~~supervision of the division, to be inspected and copied.~~

38 (2) All public records transferred to the custody of the
 39 division shall be subject to the provisions of s. 119.07(1),
 40 except that any public record or other record provided by law to
 41 be confidential or prohibited from inspection by the public
 42 shall be made accessible only after a period of 50 years from
 43 the date of the creation of the record.

44 (3) Any nonpublic manuscript or other archival material
 45 which is placed in the keeping of the division under special
 46 terms and conditions, shall be made accessible only in
 47 accordance with such ~~law~~ terms and conditions and shall be
 48 exempt from the provisions of s. 119.07(1) to the extent
 49 necessary to meet the terms and conditions for a nonpublic
 50 manuscript or other archival material.

51 (4) Any nonpublic A manuscript or other archival material
 52 that is donated to and held by an official archive of a
 53 municipality or county contingent upon special terms and
 54 conditions that limit the right to inspect or copy such
 55 manuscript or other material, ~~but which manuscript or archival~~
 56 ~~material is not otherwise made or received pursuant to law or~~

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57 ~~ordinance or in connection with the transaction of official~~
 58 ~~business by any governmental agency,~~ is confidential and exempt
 59 from s. 119.07(1) and s. 24(a), Art. I of the State
 60 Constitution, except as otherwise provided in the special terms
 61 and conditions. ~~However,~~ A nonpublic manuscript or other
 62 archival material received under special terms and conditions as
 63 authorized ~~provided~~ by this subsection ~~section~~ shall be made
 64 available for inspection and copying 50 years after the date of
 65 the creation of the nonpublic manuscript or other archival
 66 material, at an earlier date specified in the special terms or
 67 conditions, or upon a showing of good cause before a court of
 68 competent jurisdiction.

69 ~~(2) Subsection (1) is subject to the Open Government~~
 70 ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~
 71 ~~repealed on October 2, 2009, unless reviewed and saved from~~
 72 ~~repeal through reenactment by the Legislature.~~

73 Section 2. Subsection (1) of section 257.35, Florida
 74 Statutes, as amended by this act, is amended to read:

75 257.35 Florida State Archives.--

76 (1) There is created within the Division of Library and
 77 Information Services of the Department of State the Florida
 78 State Archives for the preservation of those public records, as
 79 defined in s. 119.011(12), manuscripts, and other archival
 80 material that have been determined by the division to have
 81 sufficient historical or other value to warrant their continued
 82 preservation and have been accepted by the division for deposit
 83 in its custody. It is the duty and responsibility of the
 84 division to:

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85 (a) Organize and administer the Florida State Archives.

86 (b) Preserve and administer such records as shall be
 87 transferred to its custody; accept, arrange, and preserve them,
 88 according to approved archival practices; and permit them, at
 89 reasonable times and under the supervision of the division, to
 90 be inspected and copied.

91 (c) Assist the records and information management program
 92 in the determination of retention values for records.

93 (d) Cooperate with and assist insofar as practicable state
 94 institutions, departments, agencies, counties, municipalities,
 95 and individuals engaged in activities in the field of state
 96 archives, manuscripts, and history and accept from any person
 97 any paper, book, record, or similar material which in the
 98 judgment of the division warrants preservation in the state
 99 archives.

100 (e) Provide a public research room where, under rules
 101 established by the division, the materials in the state archives
 102 may be studied.

103 (f) Conduct, promote, and encourage research in Florida
 104 history, government, and culture and maintain a program of
 105 information, assistance, coordination, and guidance for public
 106 officials, educational institutions, libraries, the scholarly
 107 community, and the general public engaged in such research.

108 (g) Cooperate with and, insofar as practicable, assist
 109 agencies, libraries, institutions, and individuals in projects
 110 designed to preserve original source materials relating to
 111 Florida history, government, and culture and prepare and publish
 112 handbooks, guides, indexes, and other literature directed toward

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113 encouraging the preservation and use of the state's documentary
114 resources.

115 (h) Encourage and initiate efforts to preserve, collect,
116 process, transcribe, index, and research the oral history of
117 Florida government.

118 (i) Assist and cooperate with the records and information
119 management program in the training and information program
120 described in s. 257.36(1)(g).

121 Section 3. This act shall take effect October 1, 2009.