



404492

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/06/2010	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Sobel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 119.001, Florida Statutes, is created to
read:

119.001 Short title.—This chapter may be cited as the
“Sunshine in Government Act.”

Section 2. Section 119.002, Florida Statutes, is created to
read:

119.002 Education and training.—All elected and appointed
public officials must undergo education and training on the



404492

13 requirements of the Sunshine in Government Act. A violation of
14 this section is not subject to the penalty provisions in s.
15 119.30.

16 Section 3. Section 119.003, Florida Statutes, is created to
17 read:

18 119.003 Definitions.—As used in this chapter, the term:

19 (1) "Actual cost of duplication" means the cost of the
20 material and supplies used to duplicate the public record but
21 does not include labor cost or overhead associated with the
22 duplication.

23 (2) "Agency" means any state, county, district, authority,
24 or municipal officer, department, division, board, bureau,
25 commission, or other separate unit of government created or
26 established by law, including, for the purposes of this chapter,
27 the Commission on Ethics, the Public Service Commission, the
28 Office of Public Counsel, and any other public or private
29 agency, person, partnership, corporation, or business entity
30 acting on behalf of any public agency.

31 (3) "Agency resources" means the cost of clerical or
32 supervisory assistance or agency information technology
33 resources actually incurred by the agency in complying with a
34 request for public records as authorized by s. 119.07(4). Costs
35 for clerical or supervisory assistance must be charged at the
36 base hourly rate of the lowest-paid personnel capable of
37 providing the assistance.

38 (4) "Any electronic medium stored, maintained, or used by
39 an agency" means any electronic format that the agency can
40 reasonably provide as part of the standard operation of its
41 electronic recordkeeping system.



404492

42 (5) "Commercial activity" means the permissible uses set
43 forth in the federal Driver's Privacy Protection Act of 1994, 18
44 U.S.C. ss. 2721 et seq.; the Fair Credit Reporting Act, 15
45 U.S.C. ss. 1681 et seq.; or the Financial Services Modernization
46 Act of 1999, 15 U.S.C. ss. 6801 et seq., or verification of the
47 accuracy of personal information received by a commercial entity
48 in the normal course of its business, including identification
49 or prevention of fraud or matching, verifying, or retrieving
50 information. The term does not include the display or bulk sale
51 of social security numbers to the public or the distribution of
52 such numbers to any customer that is not identifiable by the
53 commercial entity.

54 (6) "Commercial entity" means any corporation, partnership,
55 limited partnership, proprietorship, sole proprietorship, firm,
56 enterprise, franchise, or association that performs a commercial
57 activity in this state.

58 (7) (a) "Criminal intelligence information" means
59 information with respect to an identifiable person or group of
60 persons collected by a criminal justice agency in an effort to
61 anticipate, prevent, or monitor possible criminal activity.

62 (b) "Criminal investigative information" means information
63 with respect to an identifiable person or group of persons
64 compiled by a criminal justice agency in the course of
65 conducting a criminal investigation of a specific act or
66 omission, including, but not limited to, information derived
67 from laboratory tests, reports of investigators or informants,
68 or any type of surveillance.

69 (c) "Criminal intelligence information" and "criminal
70 investigative information" does not include:



404492

- 71 1. The time, date, location, and nature of a reported
72 crime.
- 73 2. The name, gender, age, and address of a person arrested
74 or of the victim of a crime, except as provided in s.
75 119.071(2)(h).
- 76 3. The time, date, and location of the incident and of the
77 arrest.
- 78 4. The crime charged.
- 79 5. Documents given or required by law or agency rule to be
80 given to the person arrested, except as provided in s.
81 119.071(2)(h). However, the court in a criminal case may order
82 that certain information required by law or agency rule to be
83 given to the person arrested be maintained in a confidential
84 manner and exempt from the provisions of s. 119.07(1) until
85 released at trial if it is found that the release of such
86 information would:
- 87 a. Be defamatory to the good name of a victim or witness or
88 would jeopardize the safety of such victim or witness; and
- 89 b. Impair the ability of a state attorney to locate or
90 prosecute a codefendant.
- 91 6. Informations or indictments, except as provided in s.
92 905.26.
- 93 (d) "Active" is defined as follows:
- 94 1. Criminal intelligence information shall be considered
95 active as long as it is related to intelligence gathering
96 conducted with a reasonable, good faith belief that it will lead
97 to detection of ongoing or reasonably anticipated criminal
98 activities.
- 99 2. Criminal investigative information shall be considered



404492

100 active as long as it is related to an ongoing investigation that
101 is continuing with a reasonable, good faith anticipation of
102 securing an arrest or prosecution in the foreseeable future.

103
104 In addition, criminal intelligence and criminal investigative
105 information shall be considered active while such information is
106 directly related to pending prosecutions or appeals. The term
107 “active” does not apply to information in cases that are barred
108 from prosecution under the provisions of s. 775.15 or other
109 statute of limitation.

110 (8) “Criminal justice agency” means:

111 (a) Any law enforcement agency, court, or prosecutor;

112 (b) Any other agency charged by law with criminal law
113 enforcement duties;

114 (c) Any agency having custody of criminal intelligence
115 information or criminal investigative information for the
116 purpose of assisting law enforcement agencies in the conduct of
117 active criminal investigations or prosecutions, or for the
118 purpose of litigating civil actions under the Racketeer
119 Influenced and Corrupt Organization Act, during the time that
120 the agencies are in possession of criminal intelligence
121 information or criminal investigative information pursuant to
122 their criminal law enforcement duties; or

123 (d) The Department of Corrections.

124 (9) “Custodian of public records” means the elected or
125 appointed state, county, or municipal officer charged with the
126 responsibility of maintaining the office having public records,
127 or his or her designee.

128 (10) “Data processing software” means the programs and



404492

129 routines used to employ and control the capabilities of data
130 processing hardware, including, but not limited to, operating
131 systems, compilers, assemblers, utilities, library routines,
132 maintenance routines, applications, and computer networking
133 programs.

134 (11) "Duplicated copies" means new copies produced by
135 duplicating, as defined in s. 283.30.

136 (12) "Exemption" means a provision of general law which
137 provides that a specified record or meeting, or portion thereof,
138 is not subject to the access requirements of s. 119.07(1), s.
139 119.20, or s. 24, Art. I of the State Constitution.

140 (13) "Information technology resources" means data
141 processing hardware and software and services, communications,
142 supplies, personnel, facility resources, maintenance, and
143 training.

144 (14) "Paratransit" has the same meaning as provided in s.
145 427.011.

146 (15) "Proprietary software" means data processing software
147 that is protected by copyright or trade secret laws.

148 (16) "Public records" means all documents, papers, letters,
149 maps, books, tapes, photographs, films, sound recordings, data
150 processing software, or other material, regardless of the
151 physical form, characteristics, or means of transmission, made
152 or received pursuant to law or ordinance or in connection with
153 the transaction of official business by any agency.

154 (17) "Redact" means to conceal from a copy of an original
155 public record, or to conceal from an electronic image that is
156 available for public viewing, that portion of the record
157 containing exempt or confidential information.



404492

158 (18) "Security system plan" means all:

159 (a) Records, information, photographs, audio and visual
160 presentations, schematic diagrams, surveys, recommendations, or
161 consultations or portions thereof relating directly to the
162 physical security of the facility or revealing security systems;

163 (b) Threat assessments conducted by any agency or any
164 private entity;

165 (c) Threat response plans;

166 (d) Emergency evacuation plans;

167 (e) Sheltering arrangements; or

168 (f) Manuals for security personnel, emergency equipment, or
169 security training.

170 (19) "Sensitive," for purposes of defining agency-produced
171 software, means only those portions of data processing software,
172 including the specifications and documentation, which are used
173 to:

174 (a) Collect, process, store, and retrieve information that
175 is exempt from s. 119.07(1);

176 (b) Collect, process, store, and retrieve financial
177 management information of the agency, such as payroll and
178 accounting records; or

179 (c) Control and direct access authorizations and security
180 measures for automated systems.

181 (20) "Trade secret" has the same meaning as provided in s.
182 688.002.

183 Section 4. Paragraph (b) of subsection (2) of section
184 119.01, Florida Statutes, is amended to read:

185 119.01 General state policy on public records.—

186 (2)



404492

187 (b) When designing, ~~or~~ acquiring, or upgrading an
188 electronic recordkeeping system, an agency must consider whether
189 such system is capable of:

190 1. Providing data in some common format such as, but not
191 limited to, the American Standard Code for Information
192 Interchange; and

193 2. Redacting information that is exempt or confidential and
194 exempt contained in the public records that are online or stored
195 in such system.

196 Section 5. Section 119.07, Florida Statutes, is amended to
197 read

198 119.07 Inspection and copying of records; photographing
199 public records; fees; exemptions.—

200 (1) (a) Every person who has custody of a public record
201 shall permit the record to be inspected and copied by any person
202 desiring to do so, at any reasonable time, under reasonable
203 conditions, and under supervision by the custodian of the public
204 records.

205 (b) A custodian of public records or a person having
206 custody of public records may designate another officer or
207 employee of the agency to permit the inspection and copying of
208 public records, but must disclose the identity of the designee
209 to the person requesting to inspect or copy public records.

210 (c) A custodian of public records and his or her designee
211 must acknowledge requests to inspect or copy records promptly
212 and respond to such requests in good faith. A good faith
213 response includes making reasonable efforts to determine from
214 other officers or employees within the agency whether such a
215 record exists and, if so, the location at which the record can



404492

216 be accessed.

217 (d) A person who has custody of a public record who asserts
218 that an exemption applies to a part of such record shall redact
219 that portion of the record to which an exemption has been
220 asserted and validly applies, and such person shall produce the
221 remainder of such record for inspection and copying.

222 (e) If the person who has custody of a public record
223 contends that all or part of the record is exempt from
224 inspection and copying, he or she shall state the basis of the
225 exemption that he or she contends is applicable to the record,
226 including the statutory citation to an exemption created or
227 afforded by statute.

228 (f) If requested by the person seeking to inspect or copy
229 the record, the custodian of public records shall state in
230 writing and with particularity the reasons for the conclusion
231 that the record is exempt or confidential.

232 (g) In any civil action in which an exemption to this
233 section is asserted, if the exemption is alleged to exist under
234 or by virtue of s. 119.071(1)(d) or (f), (2)(d), (e), or (f), or
235 (4)(c), the public record or part thereof in question shall be
236 submitted to the court for an inspection in camera. If an
237 exemption is alleged to exist under or by virtue of s.
238 119.071(2)(c), an inspection in camera is discretionary with the
239 court. If the court finds that the asserted exemption is not
240 applicable, it shall order the public record or part thereof in
241 question to be immediately produced for inspection or copying as
242 requested by the person seeking such access.

243 (h) Even if an assertion is made by the custodian of public
244 records that a requested record is not a public record subject



404492

245 to public inspection or copying under this subsection, the
246 requested record shall, nevertheless, not be disposed of for a
247 period of 30 days after the date on which a written request to
248 inspect or copy the record was served on or otherwise made to
249 the custodian of public records by the person seeking access to
250 the record. If a civil action is instituted within the 30-day
251 period to enforce the provisions of this section with respect to
252 the requested record, the custodian of public records may not
253 dispose of the record except by order of a court of competent
254 jurisdiction after notice to all affected parties.

255 (i) The absence of a civil action instituted for the
256 purpose stated in paragraph (g) does not relieve the custodian
257 of public records of the duty to maintain the record as a public
258 record if the record is in fact a public record subject to
259 public inspection and copying under this subsection and does not
260 otherwise excuse or exonerate the custodian of public records
261 from any unauthorized or unlawful disposition of such record.

262 (2) (a) As an additional means of inspecting or copying
263 public records, a custodian of public records may provide access
264 to public records by remote electronic means, provided exempt or
265 confidential information is not disclosed.

266 (b) The custodian of public records shall provide
267 safeguards to protect the contents of public records from
268 unauthorized remote electronic access or alteration and to
269 prevent the disclosure or modification of those portions of
270 public records which are exempt or confidential from subsection
271 (1) or s. 24, Art. I of the State Constitution.

272 (c) Unless otherwise required by law, the custodian of
273 public records may charge a fee for remote electronic access,



274 granted under a contractual arrangement with a user, which fee
275 may include the direct and indirect costs of providing such
276 access. Fees for remote electronic access provided to the
277 general public shall be in accordance with the provisions of
278 this section.

279 (3) (a) Any person shall have the right of access to public
280 records for the purpose of making photographs of the record
281 while such record is in the possession, custody, and control of
282 the custodian of public records.

283 (b) This subsection applies to the making of photographs in
284 the conventional sense by use of a camera device to capture
285 images of public records but excludes the duplication of
286 microfilm in the possession of the clerk of the circuit court
287 where a copy of the microfilm may be made available by the
288 clerk.

289 (c) Photographing public records shall be done under the
290 supervision of the custodian of public records, who may adopt
291 and enforce reasonable rules governing the photographing of such
292 records.

293 (d) Photographing of public records shall be done in the
294 room where the public records are kept. If, in the judgment of
295 the custodian of public records, this is impossible or
296 impracticable, photographing shall be done in another room or
297 place, as nearly adjacent as possible to the room where the
298 public records are kept, to be determined by the custodian of
299 public records. Where provision of another room or place for
300 photographing is required, the expense of providing the same
301 shall be paid by the person desiring to photograph the public
302 record pursuant to paragraph (4) (h) ~~(4) (e)~~.



404492

303 (4) The custodian of public records shall furnish a copy or
304 a certified copy of the record upon payment of the fee
305 prescribed by law. If a fee is not prescribed by law, the
306 following fees are authorized:

307 (a)1. Up to 15 cents per one-sided copy for duplicated
308 copies of not more than 14 inches by 8 1/2 inches;

309 2. No more than an additional 5 cents for each two-sided
310 copy; and

311 3. For all other copies, the actual cost of duplication of
312 the public record.

313

314 If the nature or volume of the public records requested to be
315 inspected or copied requires more than 30 minutes of agency
316 resources, the agency may charge an additional fee for such
317 resources incurred by the agency for the portion of a request
318 requiring more than 30 minutes of agency resources.

319 (b)1. For a copy of a public record in any electronic
320 medium stored, maintained, or used by an agency, the actual cost
321 of duplication. However, if the nature or volume of the public
322 records requested to be copied requires more than 30 minutes of
323 agency resources, the agency may charge an additional fee for
324 such resources incurred by the agency for the portion of a
325 request requiring more than 30 minutes agency resources.

326 2. If an agency has the software and hardware necessary to
327 convert the record into the electronic format requested as a
328 step in the process of copying or exporting the requested
329 record, the agency must provide the record in the format
330 requested and may charge a fee authorized by this subsection.

331 (c) The cost of clerical or supervisory assistance may be



404492

332 no greater than the base hourly rate of the lowest paid
333 personnel capable of providing such clerical or supervisory
334 assistance.

335 (d) ~~(b)~~ The charge for copies of county maps or aerial
336 photographs supplied by county constitutional officers may also
337 include a reasonable charge for the labor and overhead
338 associated with their duplication.

339 (e) ~~(e)~~ An agency may charge up to \$1 per copy for a
340 certified copy of a public record.

341 (f) All fees allowed pursuant to this subsection may be
342 reduced or waived. Fee reductions and waivers must be uniformly
343 applied among persons similarly situated.

344 (g) An agency is not authorized to charge a fee for costs
345 associated with review or redaction of information which is not
346 a public record.

347 ~~(d) If the nature or volume of public records requested to~~
348 ~~be inspected or copied pursuant to this subsection is such as to~~
349 ~~require extensive use of information technology resources or~~
350 ~~extensive clerical or supervisory assistance by personnel of the~~
351 ~~agency involved, or both, the agency may charge, in addition to~~
352 ~~the actual cost of duplication, a special service charge, which~~
353 ~~shall be reasonable and shall be based on the cost incurred for~~
354 ~~such extensive use of information technology resources or the~~
355 ~~labor cost of the personnel providing the service that is~~
356 ~~actually incurred by the agency or attributable to the agency~~
357 ~~for the clerical and supervisory assistance required, or both.~~

358 (h) ~~(e)~~1. Where provision of another room or place is
359 necessary to photograph public records, the expense of providing
360 the same shall be paid by the person desiring to photograph the



404492

361 public records.

362 2. The custodian of public records may charge the person
363 making the photographs for supervision services at a rate of
364 compensation to be agreed upon by the person desiring to make
365 the photographs and the custodian of public records. If they
366 fail to agree as to the appropriate charge, the charge shall be
367 determined by the custodian of public records.

368 (5) When ballots are produced under this section for
369 inspection or examination, no persons other than the supervisor
370 of elections or the supervisor's employees shall touch the
371 ballots. If the ballots are being examined before the end of the
372 contest period in s. 102.168, the supervisor of elections shall
373 make a reasonable effort to notify all candidates by telephone
374 or otherwise of the time and place of the inspection or
375 examination. All such candidates, or their representatives,
376 shall be allowed to be present during the inspection or
377 examination.

378 (6) An exemption contained in this chapter or in any other
379 general or special law shall not limit the access of the Auditor
380 General, the Office of Program Policy Analysis and Government
381 Accountability, or any state, county, municipal, university,
382 board of community college, school district, or special district
383 internal auditor to public records when such person states in
384 writing that such records are needed for a properly authorized
385 audit, examination, or investigation. Such person shall maintain
386 the exempt or confidential status of that public record and
387 shall be subject to the same penalties as the custodian of that
388 record for public disclosure of such record.

389 (7) An exemption from this section does not imply an



404492

390 exemption from s. 119.20 ~~s. 286.011~~. The exemption from s.
391 119.20 ~~s. 286.011~~ must be expressly provided.

392 (8) The provisions of this section are not intended to
393 expand or limit the provisions of Rule 3.220, Florida Rules of
394 Criminal Procedure, regarding the right and extent of discovery
395 by the state or by a defendant in a criminal prosecution or in
396 collateral postconviction proceedings. This section may not be
397 used by any inmate as the basis for failing to timely litigate
398 any postconviction action.

399 Section 6. Paragraph (a) of subsection (3) and paragraph
400 (a) of subsection (5) of section 119.071, Florida Statutes, are
401 amended to read:

402 119.071 General exemptions from inspection or copying of
403 public records.—

404 (3) SECURITY.—

405 (a) ~~1. As used in this paragraph, the term "security system~~
406 ~~plan" includes all:~~

407 ~~a. Records, information, photographs, audio and visual~~
408 ~~presentations, schematic diagrams, surveys, recommendations, or~~
409 ~~consultations or portions thereof relating directly to the~~
410 ~~physical security of the facility or revealing security systems;~~

411 ~~b. Threat assessments conducted by any agency or any~~
412 ~~private entity;~~

413 ~~c. Threat response plans;~~

414 ~~d. Emergency evacuation plans;~~

415 ~~e. Sheltering arrangements; or~~

416 ~~f. Manuals for security personnel, emergency equipment, or~~
417 ~~security training.~~

418 1.2. A security system plan or portion thereof for:



404492

419 a. Any property owned by or leased to the state or any of
420 its political subdivisions; or

421 b. Any privately owned or leased property

422
423 held by an agency is confidential and exempt from s. 119.07(1)
424 and s. 24(a), Art. I of the State Constitution. This exemption
425 is remedial in nature, and it is the intent of the Legislature
426 that this exemption apply to security system plans held by an
427 agency before, on, or after the effective date of this
428 paragraph.

429 ~~2.3~~ Information made confidential and exempt by this
430 paragraph may be disclosed by the custodian of public records
431 to:

432 a. The property owner or leaseholder; or

433 b. Another state or federal agency to prevent, detect,
434 guard against, respond to, investigate, or manage the
435 consequences of any attempted or actual act of terrorism, or to
436 prosecute those persons who are responsible for such attempts or
437 acts.

438 (5) OTHER PERSONAL INFORMATION.—

439 (a)1.a. The Legislature acknowledges that the social
440 security number was never intended to be used for business
441 purposes but was intended to be used solely for the
442 administration of the federal Social Security System. The
443 Legislature is further aware that over time this unique numeric
444 identifier has been used extensively for identity verification
445 purposes and other legitimate consensual purposes.

446 b. The Legislature recognizes that the social security
447 number can be used as a tool to perpetuate fraud against an



448 individual and to acquire sensitive personal, financial,
449 medical, and familial information, the release of which could
450 cause great financial or personal harm to an individual.

451 c. The Legislature intends to monitor the use of social
452 security numbers held by agencies in order to maintain a
453 balanced public policy.

454 2.a. An agency may not collect an individual's social
455 security number unless the agency has stated in writing the
456 purpose for its collection and unless it is:

457 (I) Specifically authorized by law to do so; or

458 (II) Imperative for the performance of that agency's duties
459 and responsibilities as prescribed by law.

460 b. An agency shall identify in writing the specific federal
461 or state law governing the collection, use, or release of social
462 security numbers for each purpose for which the agency collects
463 the social security number, including any authorized exceptions
464 that apply to such collection, use, or release. Each agency
465 shall ensure that the collection, use, or release of social
466 security numbers complies with the specific applicable federal
467 or state law.

468 c. Social security numbers collected by an agency may not
469 be used by that agency for any purpose other than the purpose
470 provided in the written statement.

471 3. An agency collecting an individual's social security
472 number shall provide that individual with a copy of the written
473 statement required in subparagraph 2. The written statement also
474 shall state whether collection of the individual's social
475 security number is authorized or mandatory under federal or
476 state law.



477 4. Each agency shall review whether its collection of
478 social security numbers is in compliance with subparagraph 2. If
479 the agency determines that collection of a social security
480 number is not in compliance with subparagraph 2., the agency
481 shall immediately discontinue the collection of social security
482 numbers for that purpose.

483 5. Social security numbers held by an agency are
484 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
485 of the State Constitution. This exemption applies to social
486 security numbers held by an agency before, on, or after the
487 effective date of this exemption. This exemption does not
488 supersede any federal law prohibiting the release of social
489 security numbers or any other applicable public records
490 exemption for social security numbers existing prior to May 13,
491 2002, or created thereafter.

492 6. Social security numbers held by an agency may be
493 disclosed if any of the following apply:

494 a. The disclosure of the social security number is
495 expressly required by federal or state law or a court order.

496 b. The disclosure of the social security number is
497 necessary for the receiving agency or governmental entity to
498 perform its duties and responsibilities.

499 c. The individual expressly consents in writing to the
500 disclosure of his or her social security number.

501 d. The disclosure of the social security number is made to
502 comply with the USA Patriot Act of 2001, Pub. L. No. 107-56, or
503 Presidential Executive Order 13224.

504 e. The disclosure of the social security number is made to
505 a commercial entity for the permissible uses set forth in the



404492

506 federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss.
507 2721 et seq.; the Fair Credit Reporting Act, 15 U.S.C. ss. 1681
508 et seq.; or the Financial Services Modernization Act of 1999, 15
509 U.S.C. ss. 6801 et seq., provided that the authorized commercial
510 entity complies with the requirements of this paragraph.

511 f. The disclosure of the social security number is for the
512 purpose of the administration of health benefits for an agency
513 employee or his or her dependents.

514 g. The disclosure of the social security number is for the
515 purpose of the administration of a pension fund administered for
516 the agency employee's retirement fund, deferred compensation
517 plan, or defined contribution plan.

518 h. The disclosure of the social security number is for the
519 purpose of the administration of the Uniform Commercial Code by
520 the office of the Secretary of State.

521 ~~7.a. For purposes of this subsection, the term:~~

522 ~~(I) "Commercial activity" means the permissible uses set~~
523 ~~forth in the federal Driver's Privacy Protection Act of 1994, 18~~
524 ~~U.S.C. ss. 2721 et seq.; the Fair Credit Reporting Act, 15~~
525 ~~U.S.C. ss. 1681 et seq.; or the Financial Services Modernization~~
526 ~~Act of 1999, 15 U.S.C. ss. 6801 et seq., or verification of the~~
527 ~~accuracy of personal information received by a commercial entity~~
528 ~~in the normal course of its business, including identification~~
529 ~~or prevention of fraud or matching, verifying, or retrieving~~
530 ~~information. It does not include the display or bulk sale of~~
531 ~~social security numbers to the public or the distribution of~~
532 ~~such numbers to any customer that is not identifiable by the~~
533 ~~commercial entity.~~

534 ~~(II) "Commercial entity" means any corporation,~~



404492

535 ~~partnership, limited partnership, proprietorship, sole~~
536 ~~proprietorship, firm, enterprise, franchise, or association that~~
537 ~~performs a commercial activity in this state.~~

538 ~~a.b.~~ An agency may not deny a commercial entity engaged in
539 the performance of a commercial activity access to social
540 security numbers, provided the social security numbers will be
541 used only in the performance of a commercial activity and
542 provided the commercial entity makes a written request for the
543 social security numbers. The written request must:

544 (I) Be verified as provided in s. 92.525;

545 (II) Be legibly signed by an authorized officer, employee,
546 or agent of the commercial entity;

547 (III) Contain the commercial entity's name, business
548 mailing and location addresses, and business telephone number;
549 and

550 (IV) Contain a statement of the specific purposes for which
551 it needs the social security numbers and how the social security
552 numbers will be used in the performance of a commercial
553 activity, including the identification of any specific federal
554 or state law that permits such use.

555 ~~b.e.~~ An agency may request any other information reasonably
556 necessary to verify the identity of a commercial entity
557 requesting the social security numbers and the specific purposes
558 for which the numbers will be used.

559 8.a. Any person who makes a false representation in order
560 to obtain a social security number pursuant to this paragraph,
561 or any person who willfully and knowingly violates this
562 paragraph, commits a felony of the third degree, punishable as
563 provided in s. 775.082 or s. 775.083.



404492

564 b. Any public officer who violates this paragraph commits a
565 noncriminal infraction, punishable by a fine not exceeding \$500
566 per violation.

567 9. Any affected person may petition the circuit court for an
568 order directing compliance with this paragraph.

569 Section 7. Section 119.13, Florida Statutes, is created to
570 read:

571 119.13 Model public access policy.—The Division of Library
572 and Information Services of the Department of State shall adopt
573 a rule to establish a model policy for providing public access
574 to public records in accordance with this part.

575 Section 8. Section 119.15, Florida Statutes, is amended to
576 read:

577 119.15 Legislative review of exemptions from public meeting
578 and public records requirements.—

579 (1) This section may be cited as the "Open Government
580 Sunset Review Act."

581 (2) This section provides for the review and repeal or
582 reenactment of an exemption from s. 24, Art. I of the State
583 Constitution and s. 119.07(1) or s. 119.20 ~~s. 286.011~~. This act
584 does not apply to an exemption that:

585 (a) Is required by federal law; or

586 (b) Applies solely to the Legislature or the State Court
587 System.

588 (3) (a) In the 5th year after enactment of a new exemption,
589 or substantial amendment of an existing exemption, the exemption
590 shall be repealed on October 2nd of the 5th year, unless the
591 Legislature acts to reenact the exemption.

592 (b) In the 10th year after reenactment the exemption shall



404492

593 be repealed on October 2nd of the 10th year, unless the
594 Legislature acts to reenact the exemption.

595 (4) (a) A law that enacts a new exemption or substantially
596 amends an existing exemption must state that the record or
597 meeting is:

- 598 1. Exempt from s. 24, Art. I of the State Constitution;
- 599 2. Exempt from s. 119.07(1) or s. 119.20 ~~s. 286.011~~; and
- 600 3. Repealed at the end of 5 years and that the exemption
601 must be reviewed by the Legislature before the scheduled repeal
602 date and every 10 years thereafter.

603 (b) For purposes of this section, an exemption is
604 substantially amended if the amendment expands the scope of the
605 exemption to include more records or information or to include
606 meetings as well as records. An exemption is not substantially
607 amended if the amendment narrows the scope of the exemption.

608 (c) This section is not intended to repeal an exemption
609 that has been amended following legislative review before the
610 scheduled repeal of the exemption if the exemption is not
611 substantially amended as a result of the review.

612 (5) (a) By June 1 in the year before the repeal of an
613 exemption under this section, the Division of Statutory Revision
614 of the Office of Legislative Services shall certify to the
615 President of the Senate and the Speaker of the House of
616 Representatives the language and statutory citation of each
617 exemption scheduled for repeal the following year.

618 (b) Any exemption that is not identified and certified to
619 the President of the Senate and the Speaker of the House of
620 Representatives is not subject to legislative review and repeal
621 under this section. If the division fails to certify an



404492

622 exemption that it subsequently determines should have been
623 certified, it shall include the exemption in the following
624 year's certification after that determination.

625 (6) (a) As part of the review process, the Legislature shall
626 consider the following:

627 1. What specific records or meetings are affected by the
628 exemption?

629 2. Whom does the exemption uniquely affect, as opposed to
630 the general public?

631 3. What is the identifiable public purpose or goal of the
632 exemption?

633 4. Can the information contained in the records or
634 discussed in the meeting be readily obtained by alternative
635 means? If so, how?

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

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

639 (b) An exemption may be created, revised, or maintained
640 only if it serves an identifiable public purpose, and the
641 exemption may be no broader than is necessary to meet the public
642 purpose it serves. An identifiable public purpose is served if
643 the exemption meets one of the following purposes and the
644 Legislature finds that the purpose is sufficiently compelling to
645 override the strong public policy of open government and cannot
646 be accomplished without the exemption:

647 1. Allows the state or its political subdivisions to
648 effectively and efficiently administer a governmental program,
649 which administration would be significantly impaired without the
650 exemption;



404492

651 2. Protects information of a sensitive personal nature
652 concerning individuals, the release of which information would
653 be defamatory to such individuals or cause unwarranted damage to
654 the good name or reputation of such individuals or would
655 jeopardize the safety of such individuals. However, in
656 exemptions under this subparagraph, only information that would
657 identify the individuals may be exempted; or

658 3. Protects information of a confidential nature concerning
659 entities, including, but not limited to, a formula, pattern,
660 device, combination of devices, or compilation of information
661 which is used to protect or further a business advantage over
662 those who do not know or use it, the disclosure of which
663 information would injure the affected entity in the marketplace.

664 (7) Records made before the date of a repeal of an
665 exemption under this section may not be made public unless
666 otherwise provided by law. In deciding whether the records shall
667 be made public, the Legislature shall consider whether the
668 damage or loss to persons or entities uniquely affected by the
669 exemption of the type specified in subparagraph (6) (b)2. or
670 subparagraph (6) (b)3. would occur if the records were made
671 public.

672 (8) Notwithstanding s. 768.28 or any other law, neither the
673 state or its political subdivisions nor any other public body
674 shall be made party to any suit in any court or incur any
675 liability for the repeal or revival and reenactment of an
676 exemption under this section. The failure of the Legislature to
677 comply strictly with this section does not invalidate an
678 otherwise valid reenactment.

679 Section 9. Section 119.20, Florida Statutes, is created to



404492

680 read:

681 119.20 Public meetings and records; access to public
682 meetings.-

683 (1) All meetings of any board or commission of any state
684 agency or authority or of any agency or authority of any county,
685 municipal corporation, or political subdivision, except as
686 otherwise provided in the State Constitution, at which official
687 acts are to be taken are declared to be public meetings that are
688 open to the public at all times, and no resolution, rule, or
689 formal action shall be considered binding except as taken or
690 made at such meeting. The board or commission must provide
691 reasonable notice of all such meetings.

692 (2) The minutes of a meeting of any such board or
693 commission of any such state agency or authority shall be
694 promptly recorded, and such records shall be open to public
695 inspection.

696 (3) All persons subject to subsection (1) are prohibited
697 from holding meetings at any facility or location that
698 discriminates on the basis of sex, age, race, creed, color,
699 origin, or economic status or that operates in such a manner as
700 to unreasonably restrict public access to such a facility.

701 Section 10. Section 119.201, Florida Statutes, is created
702 to read:

703 119.201 General exemptions from public meetings.-

704 (1) Any board or commission of any state agency or
705 authority or any agency or authority of any county, municipal
706 corporation, or political subdivision, and the chief
707 administrative or executive officer of the governmental entity,
708 may meet in private with the entity's attorney to discuss



404492

709 pending litigation to which the entity is presently a party
710 before a court or administrative agency if the following
711 conditions are met:

712 (a) The entity's attorney shall advise the entity at a
713 public meeting that he or she desires advice concerning the
714 litigation.

715 (b) The subject matter of the meeting shall be confined to
716 settlement negotiations or strategy sessions related to
717 litigation expenditures.

718 (c) The entire session shall be recorded by a certified
719 court reporter. The reporter shall record the times of
720 commencement and termination of the session, all discussion and
721 proceedings, the names of all persons present at any time, and
722 the names of all persons speaking. No portion of the session
723 shall be off the record. The court reporter's notes shall be
724 fully transcribed and filed with the entity's clerk within a
725 reasonable time after the meeting.

726 (d) The entity shall give reasonable public notice of the
727 time and date of the attorney-client session and the names of
728 persons who will be attending the session. The session shall
729 commence at an open meeting at which the persons chairing the
730 meeting shall announce the commencement and estimated length of
731 the attorney-client session and the names of the persons
732 attending. At the conclusion of the attorney-client session, the
733 meeting shall be reopened, and the person chairing the meeting
734 shall announce the termination of the session.

735 (e) The transcript shall be made part of the public record
736 upon conclusion of the litigation.

737 (2) That portion of a meeting which would reveal a security



404492

738 system plan or portion thereof made confidential and exempt by
739 s. 119.071(3)(a) is exempt from s. 119.20 and s. 24(b), Art. I
740 of the State Constitution.

741 (3)(a) A meeting at which a negotiation with a vendor is
742 conducted pursuant to s. 287.057(3) is exempt from s. 119.20 and
743 s. 24(b), Art. I of the State Constitution.

744 (b)1. A complete recording shall be made of any meeting
745 made exempt in paragraph (a). No portion of the meeting may be
746 held off the record.

747 2. The recording required under subparagraph 1. is exempt
748 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
749 until such time as the agency provides notice of a decision or
750 intended decision pursuant to s. 120.57(3)(a) or until 20 days
751 after the final competitive sealed replies are all opened,
752 whichever occurs earlier.

753 3. If the agency rejects all sealed replies, the recording
754 remains exempt from s. 119.07(1) and s. 24(a), Art. I of the
755 State Constitution until such time as the agency provides notice
756 of a decision or intended decision pursuant to s. 120.57(3)(a)
757 concerning the reissued invitation to negotiate or until the
758 agency withdraws the reissued invitation to negotiate. A
759 recording is not exempt for longer than 12 months after the
760 initial agency notice rejecting all replies.

761 (c) This subsection is subject to the Open Government
762 Sunset Review Act in accordance with s. 119.15 and shall stand
763 repealed on October 2, 2015, unless reviewed and saved from
764 repeal through reenactment by the Legislature.

765 Section 11. Section 119.202, Florida Statutes, is created
766 to read:



404492

767 119.202 Voting requirement at meetings of governmental
768 bodies.—A member of any state, county, or municipal governmental
769 board, commission, or agency who is present at any meeting of
770 any such body at which an official decision, ruling, or other
771 official act is to be taken or adopted may not abstain from
772 voting in regard to any such decision, ruling, or act; and a
773 vote shall be recorded or counted for each such member present,
774 except when, with respect to any such member, there is, or
775 appears to be, a possible conflict of interest under the
776 provisions of s. 112.311, s. 112.313, or s. 112.3143. In such
777 case, the member shall comply with the disclosure requirements
778 of s. 112.3143.

779 Section 12. Section 119.30, Florida Statutes, is created to
780 read:

781 119.30 Violation of chapter; penalties.—

782 (1) A violation of any law that relates to access to public
783 records or meetings shall be considered a violation of this
784 chapter.

785 (2) A person who violates any of the provisions of this
786 chapter commits a noncriminal infraction, punishable by a fine
787 not exceeding \$500.

788 (3) A person who willfully and knowingly violates any of
789 the provisions of this chapter commits a misdemeanor of the
790 first degree, punishable as provided in s. 775.082 or s.
791 775.083.

792 (4) Conduct that occurs outside the state and that would
793 constitute a knowing violation of this chapter is a misdemeanor
794 of the first degree, punishable as provided in s. 775.082 or s.
795 775.083.



404492

796 (5) If a court determines that an agency has:

797 (a) Violated s. 119.07(1) or s. 119.20;

798 (b) Shown intentional disregard for the public's
799 constitutional right of access as guaranteed by s. 24, Art. I of
800 the State Constitution; or

801 (c) Exhibited a pattern of abuse of the requirements of
802 this chapter,

803
804 the court may assess a penalty against the agency equal to twice
805 the amount awarded pursuant to this section.

806 Section 13. Section 119.31, Florida Statutes, is created to
807 read:

808 119.31 Injunctions.—The circuit courts of this state have
809 jurisdiction to issue injunctions to enforce this chapter upon
810 application by any person.

811 Section 14. Section 119.32, Florida Statutes, is created to
812 read:

813 119.32 Attorney's fees.—

814 (1) Whenever an action has been filed against any board or
815 commission of any state agency or authority or any agency or
816 authority of any county, municipal corporation, or political
817 subdivision to enforce this section or to invalidate the actions
818 of any such board, commission, agency, or authority, which
819 action was taken in violation of this section, and the court
820 determines that the defendant or defendants to such action acted
821 in violation of this section, the court shall assess a
822 reasonable attorney's fee against such agency, and may assess a
823 reasonable attorney's fee against the individual filing such an
824 action if the court finds it was filed in bad faith or was



404492

825 frivolous. Any fees so assessed may be assessed against the
826 individual member or members of such board or commission;
827 provided, that in any case where the board or commission seeks
828 the advice of its attorney and such advice is followed, no such
829 fees shall be assessed against the individual member or members
830 of the board or commission. However, this subsection does not
831 apply to a state attorney or his or her duly authorized
832 assistants or any officer charged with enforcing the provisions
833 of this section.

834 (2) Whenever any board or commission of any state agency or
835 authority or any agency or authority of any county, municipal
836 corporation, or political subdivision appeals any court order
837 which has found the board, commission, agency, or authority to
838 have violated this section, and such order is affirmed, the
839 court shall assess a reasonable attorney's fee for the appeal
840 against such board, commission, agency, or authority. Any fees
841 so assessed may be assessed against the individual member or
842 members of such board or commission; provided, that in any case
843 where the board or commission seeks the advice of its attorney
844 and such advice is followed, no such fees shall be assessed
845 against the individual member or members of the board or
846 commission.

847 Section 15. Section 119.011, Florida Statutes, is repealed.

848 Section 16. Section 119.10, Florida Statutes, is repealed.

849 Section 17. Section 119.12, Florida Statutes, is repealed.

850 Section 18. Section 286.011, Florida Statutes, is repealed.

851 Section 19. Section 286.0113, Florida Statutes, is
852 repealed.

853 Section 20. Section 286.012, Florida Statutes, is repealed.



404492

854 Section 21. For the purpose of incorporating the amendment
855 made by this act to section 119.07, Florida Statutes, in a
856 reference thereto, subsection (2) of section 27.02, Florida
857 Statutes, is reenacted to read:

858 27.02 Duties before court.—

859 (2) The state attorney, when complying with the discovery
860 obligation pursuant to the applicable rule of procedure, may
861 charge the defendant fees as provided for in s. 119.07(4), not
862 to exceed 15 cents per page for a copy of a noncertified copy of
863 a public record. However, these fees may be deferred if the
864 defendant has been determined to be indigent as provided in s.
865 27.52.

866 Section 22. For the purpose of incorporating the amendment
867 made by this act to section 119.07, Florida Statutes, in a
868 reference thereto, paragraph (f) of subsection (2) of section
869 119.01, Florida Statutes, is reenacted to read:

870 119.01 General state policy on public records.—

871 (2)

872 (f) Each agency that maintains a public record in an
873 electronic recordkeeping system shall provide to any person,
874 pursuant to this chapter, a copy of any public record in that
875 system which is not exempted by law from public disclosure. An
876 agency must provide a copy of the record in the medium requested
877 if the agency maintains the record in that medium, and the
878 agency may charge a fee in accordance with this chapter. For the
879 purpose of satisfying a public records request, the fee to be
880 charged by an agency if it elects to provide a copy of a public
881 record in a medium not routinely used by the agency, or if it
882 elects to compile information not routinely developed or



883 maintained by the agency or that requires a substantial amount
884 of manipulation or programming, must be in accordance with s.
885 119.07(4).

886 Section 23. For the purpose of incorporating the amendment
887 made by this act to section 119.07, Florida Statutes, in a
888 reference thereto, paragraph (d) of subsection (1) of section
889 119.0712, Florida Statutes, is reenacted to read:

890 119.0712 Executive branch agency-specific exemptions from
891 inspection or copying of public records.—

892 (1) DEPARTMENT OF HEALTH.—All personal identifying
893 information contained in records relating to an individual's
894 personal health or eligibility for health-related services held
895 by the Department of Health is confidential and exempt from s.
896 119.07(1) and s. 24(a), Art. I of the State Constitution, except
897 as otherwise provided in this subsection. Information made
898 confidential and exempt by this subsection shall be disclosed:

899 (d) To a health research entity, if the entity seeks the
900 records or data pursuant to a research protocol approved by the
901 department, maintains the records or data in accordance with the
902 approved protocol, and enters into a purchase and data-use
903 agreement with the department, the fee provisions of which are
904 consistent with s. 119.07(4). The department may deny a request
905 for records or data if the protocol provides for intrusive
906 follow-back contacts, has not been approved by a human studies
907 institutional review board, does not plan for the destruction of
908 confidential records after the research is concluded, is
909 administratively burdensome, or does not have scientific merit.
910 The agreement must restrict the release of any information that
911 would permit the identification of persons, limit the use of



912 records or data to the approved research protocol, and prohibit
913 any other use of the records or data. Copies of records or data
914 issued pursuant to this paragraph remain the property of the
915 department.

916 Section 24. For the purpose of incorporating the amendment
917 made by this act to section 119.07, Florida Statutes, in a
918 reference thereto, paragraph (a) of subsection (2) of section
919 119.084, Florida Statutes, is reenacted to read:

920 119.084 Copyright of data processing software created by
921 governmental agencies; sale price and licensing fee.—

922 (2) An agency is authorized to acquire and hold a copyright
923 for data processing software created by the agency and to
924 enforce its rights pertaining to such copyright, provided that
925 the agency complies with the requirements of this subsection.

926 (a) An agency that has acquired a copyright for data
927 processing software created by the agency may sell or license
928 the copyrighted data processing software to any public agency or
929 private person. The agency may establish a price for the sale
930 and a licensing fee for the use of such data processing software
931 that may be based on market considerations. However, the prices
932 or fees for the sale or licensing of copyrighted data processing
933 software to an individual or entity solely for application to
934 information maintained or generated by the agency that created
935 the copyrighted data processing software shall be determined
936 pursuant to s. 119.07(4).

937 Section 25. For the purpose of incorporating the amendment
938 made by this act to section 119.07, Florida Statutes, in a
939 reference thereto, subsection (6) of section 455.219, Florida
940 Statutes, is reenacted to read:



404492

941 455.219 Fees; receipts; disposition; periodic management
942 reports.-

943 (6) The department or the appropriate board shall charge a
944 fee not to exceed \$25 for the certification of a public record.
945 The fee shall be determined by rule of the department. The
946 department or the appropriate board shall assess a fee for
947 duplication of a public record as provided in s. 119.07(4).

948 Section 26. For the purpose of incorporating the amendment
949 made by this act to section 119.07, Florida Statutes, in a
950 reference thereto, subsection (11) of section 456.025, Florida
951 Statutes, is reenacted to read:

952 456.025 Fees; receipts; disposition.-

953 (11) The department or the appropriate board shall charge a
954 fee not to exceed \$25 for the certification of a public record.
955 The fee shall be determined by rule of the department. The
956 department or the appropriate board shall assess a fee for
957 duplicating a public record as provided in s. 119.07(4).

958 Section 27. For the purpose of incorporating the amendment
959 made by this act to section 119.07, Florida Statutes, in a
960 reference thereto, paragraph (c) of subsection (1) of section
961 458.3193, Florida Statutes, is reenacted to read:

962 458.3193 Confidentiality of certain information contained
963 in physician workforce surveys.-

964 (1) All personal identifying information contained in
965 records provided by physicians licensed under this chapter or
966 chapter 459 in response to physician workforce surveys required
967 as a condition of license renewal and held by the Department of
968 Health is confidential and exempt from s. 119.07(1) and s.
969 24(a), Art. I of the State Constitution, except as otherwise



404492

970 provided in this subsection. Information made confidential and
971 exempt by this subsection shall be disclosed:

972 (c) To a research entity, if the entity seeks the records
973 or data pursuant to a research protocol approved by the
974 Department of Health, maintains the records or data in
975 accordance with the approved protocol, and enters into a
976 purchase and data-use agreement with the department, the fee
977 provisions of which are consistent with s. 119.07(4). The
978 department may deny a request for records or data if the
979 protocol provides for intrusive follow-back contacts, does not
980 plan for the destruction of confidential records after the
981 research is concluded, is administratively burdensome, or does
982 not have scientific merit. The agreement must restrict the
983 release of information that would identify individuals, must
984 limit the use of records or data to the approved research
985 protocol, and must prohibit any other use of the records or
986 data. Copies of records or data issued pursuant to this
987 paragraph remain the property of the department.

988 Section 28. For the purpose of incorporating the amendment
989 made by this act to section 119.07, Florida Statutes, in a
990 reference thereto, paragraph (c) of subsection (1) of section
991 459.0083, Florida Statutes, is reenacted to read:

992 459.0083 Confidentiality of certain information contained
993 in physician workforce surveys.-

994 (1) All personal identifying information contained in
995 records provided by physicians licensed under chapter 458 or
996 this chapter in response to physician workforce surveys required
997 as a condition of license renewal and held by the Department of
998 Health is confidential and exempt from s. 119.07(1) and s.



999 24(a), Art. I of the State Constitution, except as otherwise
1000 provided in this subsection. Information made confidential and
1001 exempt by this subsection shall be disclosed:

1002 (c) To a research entity, if the entity seeks the records
1003 or data pursuant to a research protocol approved by the
1004 Department of Health, maintains the records or data in
1005 accordance with the approved protocol, and enters into a
1006 purchase and data-use agreement with the department, the fee
1007 provisions of which are consistent with s. 119.07(4). The
1008 department may deny a request for records or data if the
1009 protocol provides for intrusive follow-back contacts, does not
1010 plan for the destruction of confidential records after the
1011 research is concluded, is administratively burdensome, or does
1012 not have scientific merit. The agreement must restrict the
1013 release of information that would identify individuals, must
1014 limit the use of records or data to the approved research
1015 protocol, and must prohibit any other use of the records or
1016 data. Copies of records or data issued pursuant to this
1017 paragraph remain the property of the department.

1018 Section 29. For the purpose of incorporating the amendment
1019 made by this act to section 119.07, Florida Statutes, in a
1020 reference thereto, subsection (16) of section 472.011, Florida
1021 Statutes, is reenacted to read:

1022 472.011 Fees.—

1023 (16) The department or the board shall charge a fee not to
1024 exceed \$25 for the certification of a public record. The fee
1025 shall be determined by rule of the department. The department or
1026 the appropriate board shall assess a fee for duplication of a
1027 public record as provided in s. 119.07(4).



404492

1028 Section 30. For the purpose of incorporating the amendment
1029 made by this act to section 119.07, Florida Statutes, in a
1030 reference thereto, paragraph (e) of subsection (2) of section
1031 1012.31, Florida Statutes, is reenacted to read:

1032 1012.31 Personnel files.—Public school system employee
1033 personnel files shall be maintained according to the following
1034 provisions:

1035 (2)

1036 (e) Upon request, an employee, or any person designated in
1037 writing by the employee, shall be permitted to examine the
1038 personnel file of such employee. The employee shall be permitted
1039 conveniently to reproduce any materials in the file, at a cost
1040 no greater than the fees prescribed in s. 119.07(4).

1041 Section 31. For the purpose of incorporating the amendment
1042 made by this act to section 119.071, Florida Statutes, in a
1043 reference thereto, subsection (5) of section 17.076, Florida
1044 Statutes, is reenacted to read

1045 17.076 Direct deposit of funds.—

1046 (5) All direct deposit records made prior to October 1,
1047 1986, are exempt from the provisions of s. 119.07(1). With
1048 respect to direct deposit records made on or after October 1,
1049 1986, the names of the authorized financial institutions and the
1050 account numbers of the beneficiaries are confidential and exempt
1051 from the provisions of s. 119.07(1) and s. 24(a), Art. I of the
1052 State Constitution. Notwithstanding this exemption and the
1053 provisions of s. 119.071(5)(b), the department may provide a
1054 state university, upon request, with that university's employee
1055 or vendor direct deposit authorization information on file with
1056 the department in order to accommodate the transition to the



404492

1057 university accounting system. The state university shall
1058 maintain the confidentiality of all such information provided by
1059 the department.

1060 Section 32. For the purpose of incorporating the amendment
1061 made by this act to section 119.071, Florida Statutes, in a
1062 reference thereto, section 119.0714, Florida Statutes, is
1063 reenacted to read:

1064 (1) COURT FILES.—Nothing in this chapter shall be construed
1065 to exempt from s. 119.07(1) a public record that was made a part
1066 of a court file and that is not specifically closed by order of
1067 court, except:

1068 (a) A public record that was prepared by an agency attorney
1069 or prepared at the attorney's express direction as provided in
1070 s. 119.071(1) (d).

1071 (b) Data processing software as provided in s.
1072 119.071(1) (f).

1073 (c) Any information revealing surveillance techniques or
1074 procedures or personnel as provided in s. 119.071(2) (d).

1075 (d) Any comprehensive inventory of state and local law
1076 enforcement resources, and any comprehensive policies or plans
1077 compiled by a criminal justice agency, as provided in s.
1078 119.071(2) (d).

1079 (e) Any information revealing the substance of a confession
1080 of a person arrested as provided in s. 119.071(2) (e).

1081 (f) Any information revealing the identity of a
1082 confidential informant or confidential source as provided in s.
1083 119.071(2) (f).

1084 (g) Any information revealing undercover personnel of any
1085 criminal justice agency as provided in s. 119.071(4) (c).



1086 (h) Criminal intelligence information or criminal
1087 investigative information that is confidential and exempt as
1088 provided in s. 119.071(2)(h).

1089 (i) Social security numbers as provided in s.
1090 119.071(5)(a).

1091 (j) Bank account numbers and debit, charge, and credit card
1092 numbers as provided in s. 119.071(5)(b).

1093 (2) COURT RECORDS.—

1094 (a) Until January 1, 2011, if a social security number or a
1095 bank account, debit, charge, or credit card number is included
1096 in a court file, such number may be included as part of the
1097 court record available for public inspection and copying unless
1098 redaction is requested by the holder of such number or by the
1099 holder's attorney or legal guardian.

1100 (b) A request for redaction must be a signed, legibly
1101 written request specifying the case name, case number, document
1102 heading, and page number. The request must be delivered by mail,
1103 facsimile, electronic transmission, or in person to the clerk of
1104 the court. The clerk of the court does not have a duty to
1105 inquire beyond the written request to verify the identity of a
1106 person requesting redaction.

1107 (c) A fee may not be charged for the redaction of a social
1108 security number or a bank account, debit, charge, or credit card
1109 number pursuant to such request.

1110 (d) The clerk of the court has no liability for the
1111 inadvertent release of social security numbers, or bank account,
1112 debit, charge, or credit card numbers, unknown to the clerk of
1113 the court in court records filed on or before January 1, 2011.

1114 (e)1. On January 1, 2011, and thereafter, the clerk of the



404492

1115 court must keep social security numbers confidential and exempt
1116 as provided for in s. 119.071(5)(a), and bank account, debit,
1117 charge, and credit card numbers exempt as provided for in s.
1118 119.071(5)(b), without any person having to request redaction.

1119 2. Section 119.071(5)(a)7. and 8. does not apply to the
1120 clerks of the court with respect to court records.

1121 (3) OFFICIAL RECORDS.—

1122 (a) Any person who prepares or files a record for recording
1123 in the official records as provided in chapter 28 may not
1124 include in that record a social security number or a bank
1125 account, debit, charge, or credit card number unless otherwise
1126 expressly required by law.

1127 (b)1. If a social security number or a bank account, debit,
1128 charge, or credit card number is included in an official record,
1129 such number may be made available as part of the official
1130 records available for public inspection and copying unless
1131 redaction is requested by the holder of such number or by the
1132 holder's attorney or legal guardian.

1133 2. If such record is in electronic format, on January 1,
1134 2011, and thereafter, the county recorder must use his or her
1135 best effort, as provided in paragraph (h), to keep social
1136 security numbers confidential and exempt as provided for in s.
1137 119.071(5)(a), and to keep complete bank account, debit, charge,
1138 and credit card numbers exempt as provided for in s.
1139 119.071(5)(b), without any person having to request redaction.

1140 3. Section 119.071(5)(a)7. and 8. does not apply to the
1141 county recorder with respect to official records.

1142 (c) The holder of a social security number or a bank
1143 account, debit, charge, or credit card number, or the holder's



1144 attorney or legal guardian, may request that a county recorder
1145 redact from an image or copy of an official record placed on a
1146 county recorder's publicly available Internet website or on a
1147 publicly available Internet website used by a county recorder to
1148 display public records, or otherwise made electronically
1149 available to the public, his or her social security number or
1150 bank account, debit, charge, or credit card number contained in
1151 that official record.

1152 (d) A request for redaction must be a signed, legibly
1153 written request and must be delivered by mail, facsimile,
1154 electronic transmission, or in person to the county recorder.
1155 The request must specify the identification page number of the
1156 record that contains the number to be redacted.

1157 (e) The county recorder does not have a duty to inquire
1158 beyond the written request to verify the identity of a person
1159 requesting redaction.

1160 (f) A fee may not be charged for redacting a social
1161 security number or a bank account, debit, charge, or credit card
1162 number.

1163 (g) A county recorder shall immediately and conspicuously
1164 post signs throughout his or her offices for public viewing, and
1165 shall immediately and conspicuously post on any Internet website
1166 or remote electronic site made available by the county recorder
1167 and used for the ordering or display of official records or
1168 images or copies of official records, a notice stating, in
1169 substantially similar form, the following:

1170 1. On or after October 1, 2002, any person preparing or
1171 filing a record for recordation in the official records may not
1172 include a social security number or a bank account, debit,



404492

1173 charge, or credit card number in such document unless required
1174 by law.

1175 2. Any person has a right to request a county recorder to
1176 remove from an image or copy of an official record placed on a
1177 county recorder's publicly available Internet website or on a
1178 publicly available Internet website used by a county recorder to
1179 display public records, or otherwise made electronically
1180 available to the general public, any social security number
1181 contained in an official record. Such request must be made in
1182 writing and delivered by mail, facsimile, or electronic
1183 transmission, or delivered in person, to the county recorder.
1184 The request must specify the identification page number that
1185 contains the social security number to be redacted. A fee may
1186 not be charged for the redaction of a social security number
1187 pursuant to such a request.

1188 (h) If the county recorder accepts or stores official
1189 records in an electronic format, the county recorder must use
1190 his or her best efforts to redact all social security numbers
1191 and bank account, debit, charge, or credit card numbers from
1192 electronic copies of the official record. The use of an
1193 automated program for redaction shall be deemed to be the best
1194 effort in performing the redaction and shall be deemed in
1195 compliance with the requirements of this subsection.

1196 (i) The county recorder is not liable for the inadvertent
1197 release of social security numbers, or bank account, debit,
1198 charge, or credit card numbers, filed with the county recorder.

1199 Section 33. For the purpose of incorporating the amendment
1200 made by this act to section 119.071, Florida Statutes, in a
1201 reference thereto, paragraph (b) of subsection (8) of section



404492

1202 1007.35, Florida Statutes, is reenacted to read:

1203 1007.35 Florida Partnership for Minority and
1204 Underrepresented Student Achievement.—

1205 (8)

1206 (b) The department shall contribute to the evaluation
1207 process by providing access, consistent with s. 119.071(5)(a),
1208 to student and teacher information necessary to match against
1209 databases containing teacher professional development data and
1210 databases containing assessment data for the PSAT/NMSQT, SAT,
1211 AP, and other appropriate measures. The department shall also
1212 provide student-level data on student progress from middle
1213 school through high school and into college and the workforce,
1214 if available, in order to support longitudinal studies. The
1215 partnership shall analyze and report student performance data in
1216 a manner that protects the rights of students and parents as
1217 required in 20 U.S.C. s. 1232g and s. 1002.22.

1218 Section 34. Paragraph (a) of subsection (2) of section
1219 11.0431, Florida Statutes, is amended to read:

1220 11.0431 Legislative records; intent of legislation;
1221 exemption from public disclosure.—

1222 (2) The following public records are exempt from inspection
1223 and copying:

1224 (a) Records, or information contained therein, held by the
1225 legislative branch of government which, if held by an agency as
1226 defined in s. 119.003 ~~s. 119.011~~, or any other unit of
1227 government, would be confidential or exempt from the provisions
1228 of s. 119.07(1), or otherwise exempt from public disclosure, and
1229 records or information of the same type held by the Legislature.

1230 Section 35. Subsection (2) of section 28.001, Florida



404492

1231 Statutes, is amended to read:

1232 28.001 Definitions.—As used in this chapter:

1233 (2) "Public records" has the same meaning as in s. 119.003
1234 ~~s. 119.011~~ and includes each official record.

1235 Section 36. Paragraph (e) of subsection (12) of section
1236 28.24, Florida Statutes, is amended to read:

1237 28.24 Service charges by clerk of the circuit court.—The
1238 clerk of the circuit court shall charge for services rendered by
1239 the clerk's office in recording documents and instruments and in
1240 performing the duties enumerated in amounts not to exceed those
1241 specified in this section. Notwithstanding any other provision
1242 of this section, the clerk of the circuit court shall provide
1243 without charge to the state attorney, public defender, guardian
1244 ad litem, public guardian, attorney ad litem, criminal conflict
1245 and civil regional counsel, and private court-appointed counsel
1246 paid by the state, and to the authorized staff acting on behalf
1247 of each, access to and a copy of any public record, if the
1248 requesting party is entitled by law to view the exempt or
1249 confidential record, as maintained by and in the custody of the
1250 clerk of the circuit court as provided in general law and the
1251 Florida Rules of Judicial Administration. The clerk of the
1252 circuit court may provide the requested public record in an
1253 electronic format in lieu of a paper format when capable of
1254 being accessed by the requesting entity.

1255
1256 Charges

1257
1258 (12) For recording, indexing, and filing any instrument not
1259 more than 14 inches by 8 1/2 inches, including required notice



1260 to property appraiser where applicable:

1261 (e) An additional service charge of \$4 per page shall be
1262 paid to the clerk of the circuit court for each instrument
1263 listed in s. 28.222, except judgments received from the courts
1264 and notices of lis pendens, recorded in the official records.
1265 From the additional \$4 service charge collected:

1266 1. If the counties maintain legal responsibility for the
1267 costs of the court-related technology needs as defined in s.
1268 29.008(1)(f)2. and (h), 10 cents shall be distributed to the
1269 Florida Association of Court Clerks and Comptroller, Inc., for
1270 the cost of development, implementation, operation, and
1271 maintenance of the clerks' Comprehensive Case Information
1272 System, in which system all clerks shall participate on or
1273 before January 1, 2006; \$1.90 shall be retained by the clerk to
1274 be deposited in the Public Records Modernization Trust Fund and
1275 used exclusively for funding court-related technology needs of
1276 the clerk as defined in s. 29.008(1)(f)2. and (h); and \$2 shall
1277 be distributed to the board of county commissioners to be used
1278 exclusively to fund court-related technology, and court
1279 technology needs as defined in s. 29.008(1)(f)2. and (h) for the
1280 state trial courts, state attorney, public defender, and
1281 criminal conflict and civil regional counsel in that county. If
1282 the counties maintain legal responsibility for the costs of the
1283 court-related technology needs as defined in s. 29.008(1)(f)2.
1284 and (h), notwithstanding any other provision of law, the county
1285 is not required to provide additional funding beyond that
1286 provided herein for the court-related technology needs of the
1287 clerk as defined in s. 29.008(1)(f)2. and (h). All court records
1288 and official records are the property of the State of Florida,



404492

1289 including any records generated as part of the Comprehensive
1290 Case Information System funded pursuant to this paragraph and
1291 the clerk of court is designated as the custodian of such
1292 records, except in a county where the duty of maintaining
1293 official records exists in a county office other than the clerk
1294 of court or comptroller, such county office is designated the
1295 custodian of all official records, and the clerk of court is
1296 designated the custodian of all court records. The clerk of
1297 court or any entity acting on behalf of the clerk of court,
1298 including an association, shall not charge a fee to any agency
1299 as defined in s. 119.003 ~~s. 119.011~~, the Legislature, or the
1300 State Court System for copies of records generated by the
1301 Comprehensive Case Information System or held by the clerk of
1302 court or any entity acting on behalf of the clerk of court,
1303 including an association.

1304 2. If the state becomes legally responsible for the costs of
1305 court-related technology needs as defined in s. 29.008(1)(f)2.
1306 and (h), whether by operation of general law or by court order,
1307 \$4 shall be remitted to the Department of Revenue for deposit
1308 into the General Revenue Fund.

1309 Section 37. Subsection (2) of section 73.0155, Florida
1310 Statutes, is amended to read:

1311 73.0155 Confidentiality; business information provided to a
1312 governmental condemning authority.—

1313 (2) An agency as defined in s. 119.003 ~~s. 119.011~~ may
1314 inspect and copy the confidential and exempt business
1315 information exclusively for the transaction of official business
1316 by, or on behalf of, an agency.

1317 Section 38. Subsection (1) of section 97.0585, Florida



404492

1318 Statutes, is amended to read:

1319 97.0585 Public records exemption; information regarding
1320 voters and voter registration; confidentiality.-

1321 (1) The following information concerning voters and voter
1322 registration held by an agency as defined in s. 119.003 ~~s.~~
1323 ~~119.011~~ is confidential and exempt from s. 119.07(1) and s.
1324 24(a), Art. I of the State Constitution and may be used only for
1325 purposes of voter registration:

1326 (a) All declinations to register to vote made pursuant to
1327 ss. 97.057 and 97.058.

1328 (b) Information relating to the place where a person
1329 registered to vote or where a person updated a voter
1330 registration.

1331 (c) The social security number, driver's license number,
1332 and Florida identification number of a voter registration
1333 applicant or voter.

1334 Section 39. Paragraph (c) of subsection (2) of section
1335 112.3188, Florida Statutes, is amended to read:

1336 112.3188 Confidentiality of information given to the Chief
1337 Inspector General, internal auditors, inspectors general, local
1338 chief executive officers, or other appropriate local officials.-

1339 (2)

1340 (c) Information deemed confidential under this section may
1341 be disclosed by the Chief Inspector General, agency inspector
1342 general, local chief executive officer, or other appropriate
1343 local official receiving the information if the recipient
1344 determines that the disclosure of the information is absolutely
1345 necessary to prevent a substantial and specific danger to the
1346 public's health, safety, or welfare or to prevent the imminent



404492

1347 commission of a crime. Information disclosed under this
1348 subsection may be disclosed only to persons who are in a
1349 position to prevent the danger to the public's health, safety,
1350 or welfare or to prevent the imminent commission of a crime
1351 based on the disclosed information.

1352 1. An investigation is active under this section if:

1353 a. It is an ongoing investigation or inquiry or collection
1354 of information and evidence and is continuing with a reasonable,
1355 good faith anticipation of resolution in the foreseeable future;
1356 or

1357 b. All or a portion of the matters under investigation or
1358 inquiry are active criminal intelligence information or active
1359 criminal investigative information as defined in s. 119.003 ~~s.~~
1360 ~~119.011~~.

1361 2. Notwithstanding sub-subparagraph 1.a., an investigation
1362 ceases to be active when:

1363 a. The written report required under s. 112.3189(9) has
1364 been sent by the Chief Inspector General to the recipients named
1365 in s. 112.3189(9);

1366 b. It is determined that an investigation is not necessary
1367 under s. 112.3189(5); or

1368 c. A final decision has been rendered by the local
1369 government or by the Division of Administrative Hearings
1370 pursuant to s. 112.3187(8) (b).

1371 3. Notwithstanding paragraphs (a), (b), and this paragraph,
1372 information or records received or produced under this section
1373 which are otherwise confidential under law or exempt from
1374 disclosure under chapter 119 retain their confidentiality or
1375 exemption.



404492

1376 4. Any person who willfully and knowingly discloses
1377 information or records made confidential under this subsection
1378 commits a misdemeanor of the first degree, punishable as
1379 provided in s. 775.082 or s. 775.083.

1380 Section 40. Section 163.61, Florida Statutes, is amended to
1381 read:

1382 163.61 "Agency" defined.—For the purposes of ss. 163.61-
1383 163.65, the word "agency" has the meaning ascribed in s. 119.003
1384 ~~s. 119.011~~.

1385 Section 41. Subsection (1) of section 257.34, Florida
1386 Statutes, is amended to read:

1387 257.34 Florida International Archive and Repository.—

1388 (1) There is created within the Division of Library and
1389 Information Services of the Department of State the Florida
1390 International Archive and Repository for the preservation of
1391 those public records, as defined in s. 119.003 ~~s. 119.011~~,
1392 manuscripts, international judgments involving disputes between
1393 domestic and foreign businesses, and all other public matters
1394 that the department or the Florida Council of International
1395 Development deems relevant to international issues. It is the
1396 duty and responsibility of the division to:

1397 (a) Organize and administer the Florida International
1398 Archive and Repository.

1399 (b) Preserve and administer records that are transferred to
1400 its custody; accept, arrange, and preserve them, according to
1401 approved archival and repository practices; and permit them, at
1402 reasonable times and under the supervision of the division, to
1403 be inspected and copied. All public records transferred to the
1404 custody of the division are subject to the provisions of s.



404492

1405 119.07(1).

1406 (c) Assist the records and information management program
1407 in the determination of retention values for records.

1408 (d) Cooperate with and assist, insofar as practicable,
1409 state institutions, departments, agencies, counties,
1410 municipalities, and individuals engaged in internationally
1411 related activities.

1412 (e) Provide a public research room where, under rules
1413 established by the division, the materials in the international
1414 archive and repository may be studied.

1415 (f) Conduct, promote, and encourage research in
1416 international trade, government, and culture and maintain a
1417 program of information, assistance, coordination, and guidance
1418 for public officials, educational institutions, libraries, the
1419 scholarly community, and the general public engaged in such
1420 research.

1421 (g) Cooperate with and, insofar as practicable, assist
1422 agencies, libraries, institutions, and individuals in projects
1423 concerned with internationally related issues and preserve
1424 original materials relating to internationally related issues.

1425 (h) Assist and cooperate with the records and information
1426 management program in the training and information program
1427 described in s. 257.36(1)(g).

1428 Section 42. Subsection (1) of section 257.35, Florida
1429 Statutes, is amended to read:

1430 257.35 Florida State Archives.—

1431 (1) There is created within the Division of Library and
1432 Information Services of the Department of State the Florida
1433 State Archives for the preservation of those public records, as



404492

1434 defined in s. 119.003(16) ~~s. 119.011(12)~~, manuscripts, and other
1435 archival material that have been determined by the division to
1436 have sufficient historical or other value to warrant their
1437 continued preservation and have been accepted by the division
1438 for deposit in its custody. It is the duty and responsibility of
1439 the division to:

1440 (a) Organize and administer the Florida State Archives.

1441 (b) Preserve and administer such records as shall be
1442 transferred to its custody; accept, arrange, and preserve them,
1443 according to approved archival practices; and permit them, at
1444 reasonable times and under the supervision of the division, to
1445 be inspected and copied.

1446 (c) Assist the records and information management program
1447 in the determination of retention values for records.

1448 (d) Cooperate with and assist insofar as practicable state
1449 institutions, departments, agencies, counties, municipalities,
1450 and individuals engaged in activities in the field of state
1451 archives, manuscripts, and history and accept from any person
1452 any paper, book, record, or similar material which in the
1453 judgment of the division warrants preservation in the state
1454 archives.

1455 (e) Provide a public research room where, under rules
1456 established by the division, the materials in the state archives
1457 may be studied.

1458 (f) Conduct, promote, and encourage research in Florida
1459 history, government, and culture and maintain a program of
1460 information, assistance, coordination, and guidance for public
1461 officials, educational institutions, libraries, the scholarly
1462 community, and the general public engaged in such research.



404492

1463 (g) Cooperate with and, insofar as practicable, assist
1464 agencies, libraries, institutions, and individuals in projects
1465 designed to preserve original source materials relating to
1466 Florida history, government, and culture and prepare and publish
1467 handbooks, guides, indexes, and other literature directed toward
1468 encouraging the preservation and use of the state's documentary
1469 resources.

1470 (h) Encourage and initiate efforts to preserve, collect,
1471 process, transcribe, index, and research the oral history of
1472 Florida government.

1473 (i) Assist and cooperate with the records and information
1474 management program in the training and information program
1475 described in s. 257.36(1)(g).

1476 Section 43. Section 281.301, Florida Statutes, is amended
1477 to read:

1478 281.301 Security systems; records and meetings exempt from
1479 public access or disclosure.—Information relating to the
1480 security systems for any property owned by or leased to the
1481 state or any of its political subdivisions, and information
1482 relating to the security systems for any privately owned or
1483 leased property which is in the possession of any agency as
1484 defined in s. 119.003(2) ~~s. 119.011(2)~~, including all records,
1485 information, photographs, audio and visual presentations,
1486 schematic diagrams, surveys, recommendations, or consultations
1487 or portions thereof relating directly to or revealing such
1488 systems or information, and all meetings relating directly to or
1489 that would reveal such systems or information are confidential
1490 and exempt from ss. 119.07(1) and 119.20 ~~286.011~~ and other laws
1491 and rules requiring public access or disclosure.



404492

1492 Section 44. Paragraph (a) of subsection (3) of section
1493 364.107, Florida Statutes, is amended to read:

1494 364.107 Public records exemption; Lifeline Assistance Plan
1495 participants.—

1496 (3) (a) An officer or employee of a telecommunications
1497 carrier shall not intentionally disclose information made
1498 confidential and exempt under subsection (1), except as:

- 1499 1. Authorized by the customer;
- 1500 2. Necessary for billing purposes;
- 1501 3. Required by subpoena, court order, or other process of
1502 court;
- 1503 4. Necessary to disclose to an agency as defined in s.
1504 119.003 ~~s. 119.011~~ or a governmental entity for purposes
1505 directly connected with implementing service for, or verifying
1506 eligibility of, a participant in a Lifeline Assistance Plan or
1507 auditing a Lifeline Assistance Plan; or
- 1508 5. Otherwise authorized by law.

1509 Section 45. Paragraph (d) of subsection (2) and subsection
1510 (5) of section 382.0085, Florida Statutes, are amended to read:

1511 382.0085 Stillbirth registration.—

1512 (2) The person who is required to file a fetal death
1513 certificate under this chapter shall advise the parent of a
1514 stillborn child:

1515 (d) That a copy of the original certificate of birth
1516 resulting in stillbirth is a document that is available as a
1517 public record when held by an agency as defined under s.
1518 119.003(2) ~~s. 119.011(2)~~.

1519 (5) A certificate of birth resulting in stillbirth shall be
1520 a public record when held by an agency as defined under s.



404492

1521 119.003(2) ~~s. 119.011(2)~~. The Office of Vital Statistics must
1522 inform any parent who requests a certificate of birth resulting
1523 in stillbirth that a copy of the document is available as a
1524 public record.

1525 Section 46. Subsection (9) of section 383.402, Florida
1526 Statutes, is amended to read:

1527 383.402 Child abuse death review; State Child Abuse Death
1528 Review Committee; local child abuse death review committees.—

1529 (9) The State Child Abuse Death Review Committee or a local
1530 committee shall have access to all information of a law
1531 enforcement agency which is not the subject of an active
1532 investigation and which pertains to the review of the death of a
1533 child. A committee may not disclose any information that is not
1534 subject to public disclosure by the law enforcement agency, and
1535 active criminal intelligence information or criminal
1536 investigative information, as defined in s. 119.003(6) ~~s.~~
1537 ~~119.011(3)~~, may not be made available for review or access under
1538 this section.

1539 Section 47. Subsection (9) of section 550.0251, Florida
1540 Statutes, is amended to read:

1541 550.0251 The powers and duties of the Division of Pari-
1542 mutuel Wagering of the Department of Business and Professional
1543 Regulation.—The division shall administer this chapter and
1544 regulate the pari-mutuel industry under this chapter and the
1545 rules adopted pursuant thereto, and:

1546 (9) The division may conduct investigations in enforcing
1547 this chapter, except that all information obtained pursuant to
1548 an investigation by the division for an alleged violation of
1549 this chapter or rules of the division is exempt from s.



404492

1550 119.07(1) and from s. 24(a), Art. I of the State Constitution
1551 until an administrative complaint is issued or the investigation
1552 is closed or ceases to be active. This subsection does not
1553 prohibit the division from providing such information to any law
1554 enforcement agency or to any other regulatory agency. For the
1555 purposes of this subsection, an investigation is considered to
1556 be active while it is being conducted with reasonable dispatch
1557 and with a reasonable, good faith belief that it could lead to
1558 an administrative, civil, or criminal action by the division or
1559 another administrative or law enforcement agency. Except for
1560 active criminal intelligence or criminal investigative
1561 information, as defined in s. 119.003 ~~s. 119.011~~, and any other
1562 information that, if disclosed, would jeopardize the safety of
1563 an individual, all information, records, and transcriptions
1564 become public when the investigation is closed or ceases to be
1565 active.

1566 Section 48. Subsection (6) of section 607.0505, Florida
1567 Statutes, is amended to read:

1568 607.0505 Registered agent; duties.—

1569 (6) Information provided to, and records and transcriptions
1570 of testimony obtained by, the Department of Legal Affairs
1571 pursuant to this section are confidential and exempt from the
1572 provisions of s. 119.07(1) while the investigation is active.
1573 For purposes of this section, an investigation shall be
1574 considered "active" while such investigation is being conducted
1575 with a reasonable, good faith belief that it may lead to the
1576 filing of an administrative, civil, or criminal proceeding. An
1577 investigation does not cease to be active so long as the
1578 department is proceeding with reasonable dispatch and there is a



404492

1579 good faith belief that action may be initiated by the department
1580 or other administrative or law enforcement agency. Except for
1581 active criminal intelligence or criminal investigative
1582 information, as defined in s. 119.003 ~~s. 119.011~~, and
1583 information which, if disclosed, would reveal a trade secret, as
1584 defined in s. 688.002, or would jeopardize the safety of an
1585 individual, all information, records, and transcriptions become
1586 public record when the investigation is completed or ceases to
1587 be active. The department shall not disclose confidential
1588 information, records, or transcriptions of testimony except
1589 pursuant to the authorization by the Attorney General in any of
1590 the following circumstances:

1591 (a) To a law enforcement agency participating in or
1592 conducting a civil investigation under chapter 895, or
1593 participating in or conducting a criminal investigation.

1594 (b) In the course of filing, participating in, or
1595 conducting a judicial proceeding instituted pursuant to this
1596 section or chapter 895.

1597 (c) In the course of filing, participating in, or
1598 conducting a judicial proceeding to enforce an order or judgment
1599 entered pursuant to this section or chapter 895.

1600 (d) In the course of a criminal or civil proceeding.

1601
1602 A person or law enforcement agency which receives any
1603 information, record, or transcription of testimony that has been
1604 made confidential by this subsection shall maintain the
1605 confidentiality of such material and shall not disclose such
1606 information, record, or transcription of testimony except as
1607 provided for herein. Any person who willfully discloses any



404492

1608 information, record, or transcription of testimony that has been
1609 made confidential by this subsection, except as provided for
1610 herein, is guilty of a misdemeanor of the first degree,
1611 punishable as provided in s. 775.082 or s. 775.083. If any
1612 information, record, or testimony obtained pursuant to
1613 subsection (2) is offered in evidence in any judicial
1614 proceeding, the court may, in its discretion, seal that portion
1615 of the record to further the policies of confidentiality set
1616 forth herein.

1617 Section 49. Subsection (6) of section 617.0503, Florida
1618 Statutes, is amended to read:

1619 617.0503 Registered agent; duties; confidentiality of
1620 investigation records.—

1621 (6) Information provided to, and records and transcriptions
1622 of testimony obtained by, the Department of Legal Affairs
1623 pursuant to this section are confidential and exempt from the
1624 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
1625 Constitution while the investigation is active. For purposes of
1626 this section, an investigation shall be considered "active"
1627 while such investigation is being conducted with a reasonable,
1628 good faith belief that it may lead to the filing of an
1629 administrative, civil, or criminal proceeding. An investigation
1630 does not cease to be active so long as the department is
1631 proceeding with reasonable dispatch and there is a good faith
1632 belief that action may be initiated by the department or other
1633 administrative or law enforcement agency. Except for active
1634 criminal intelligence or criminal investigative information, as
1635 defined in s. 119.003 ~~s. 119.011~~, and information which, if
1636 disclosed, would reveal a trade secret, as defined in s.



404492

1637 688.002, or would jeopardize the safety of an individual, all
1638 information, records, and transcriptions become available to the
1639 public when the investigation is completed or ceases to be
1640 active. The department shall not disclose confidential
1641 information, records, or transcriptions of testimony except
1642 pursuant to authorization by the Attorney General in any of the
1643 following circumstances:

1644 (a) To a law enforcement agency participating in or
1645 conducting a civil investigation under chapter 895, or
1646 participating in or conducting a criminal investigation.

1647 (b) In the course of filing, participating in, or
1648 conducting a judicial proceeding instituted pursuant to this
1649 section or chapter 895.

1650 (c) In the course of filing, participating in, or
1651 conducting a judicial proceeding to enforce an order or judgment
1652 entered pursuant to this section or chapter 895.

1653 (d) In the course of a criminal proceeding.

1654
1655 A person or law enforcement agency that receives any
1656 information, record, or transcription of testimony that has been
1657 made confidential by this subsection shall maintain the
1658 confidentiality of such material and shall not disclose such
1659 information, record, or transcription of testimony except as
1660 provided for herein. Any person who willfully discloses any
1661 information, record, or transcription of testimony that has been
1662 made confidential by this subsection, except as provided for in
1663 this subsection, commits a misdemeanor of the first degree,
1664 punishable as provided in s. 775.082 or s. 775.083. If any
1665 information, record, or testimony obtained pursuant to



404492

1666 subsection (2) is offered in evidence in any judicial
1667 proceeding, the court may, in its discretion, seal that portion
1668 of the record to further the policies of confidentiality set
1669 forth in this subsection.

1670 Section 50. Subsection (3) of section 636.064, Florida
1671 Statutes, is amended to read:

1672 636.064 Confidentiality.—

1673 (3) Any information obtained or produced by the department
1674 or office pursuant to an examination or investigation is
1675 confidential and exempt from the provisions of s. 119.07(1) and
1676 s. 24(a), Art. I of the State Constitution until the examination
1677 report has been filed pursuant to s. 624.319 or until such
1678 investigation is completed or ceases to be active. For purposes
1679 of this subsection, an investigation is considered "active"
1680 while such investigation is being conducted by the department or
1681 office with a reasonable, good faith belief that it may lead to
1682 the filing of administrative, civil, or criminal proceedings. An
1683 investigation does not cease to be active if the department or
1684 office is proceeding with reasonable dispatch and there is a
1685 good faith belief that action may be initiated by the department
1686 or office or other administrative or law enforcement agency.
1687 Except for active criminal intelligence or criminal
1688 investigative information, as defined in s. 119.003 ~~s. 119.011~~;
1689 personal financial and medical information; information that
1690 would defame or cause unwarranted damage to the good name or
1691 reputation of an individual; information that would impair the
1692 safety and financial soundness of the licensee or affiliated
1693 party; proprietary financial information; or information that
1694 would reveal the identity of a confidential source, all



404492

1695 information obtained by the department or office pursuant to an
1696 examination or investigation shall be available after the
1697 examination report has been filed or the investigation is
1698 completed or ceases to be active.

1699 Section 51. Paragraph (m) of subsection (2) of section
1700 668.50, Florida Statutes, is amended to read:

1701 668.50 Uniform Electronic Transaction Act.—

1702 (2) DEFINITIONS.—As used in this section:

1703 (m) "Record" means information that is inscribed on a
1704 tangible medium or that is stored in an electronic or other
1705 medium and is retrievable in perceivable form, including public
1706 records as defined in s. 119.003 ~~s. 119.011~~.

1707 Section 52. Section 668.6076, Florida Statutes, is amended
1708 to read:

1709 668.6076 Public records status of e-mail addresses; agency
1710 website notice.—Any agency, as defined in s. 119.003 ~~s. 119.011~~,
1711 or legislative entity that operates a website and uses
1712 electronic mail shall post the following statement in a
1713 conspicuous location on its website:

1714
1715 Under Florida law, e-mail addresses are public
1716 records. If you do not want your e-mail address
1717 released in response to a public records request, do
1718 not send electronic mail to this entity. Instead,
1719 contact this office by phone or in writing.

1720 Section 53. Paragraph (c) of subsection (4) of section
1721 741.313, Florida Statutes, is amended to read:

1722 741.313 Unlawful action against employees seeking
1723 protection.—



404492

1724 (4)
1725 (c)1. A private employer must keep all information relating
1726 to the employee's leave under this section confidential.

1727 2. An agency, as defined in s. 119.003 ~~s. 119.011~~, must
1728 keep information relating to the employee's leave under this
1729 section confidential and exempt from disclosure to the extent
1730 authorized by subsection (7).

1731 Section 54. Paragraph (c) of subsection (6) of section
1732 787.03, Florida Statutes, is amended to read:

1733 787.03 Interference with custody.-

1734 (6)

1735 (c)1. The current address and telephone number of the
1736 person and the minor or incompetent person which are contained
1737 in the report made to a sheriff or state attorney under
1738 paragraph (b) are confidential and exempt from s. 119.07(1) and
1739 s. 24(a), Art. I of the State Constitution.

1740 2. A sheriff or state attorney may allow an agency, as
1741 defined in s. 119.003 ~~s. 119.011~~, to inspect and copy records
1742 made confidential and exempt under this paragraph in the
1743 furtherance of that agency's duties and responsibilities.

1744 3. This paragraph is subject to the Open Government Sunset
1745 Review Act in accordance with s. 119.15 and is repealed on
1746 October 2, 2011, unless reviewed and saved from repeal through
1747 reenactment by the Legislature.

1748 Section 55. Subsection (5) of section 817.568, Florida
1749 Statutes, is amended to read:

1750 817.568 Criminal use of personal identification
1751 information.-

1752 (5) If an offense prohibited under this section was



404492

1753 facilitated or furthered by the use of a public record, as
1754 defined in s. 119.003 ~~s. 119.011~~, the offense is reclassified to
1755 the next higher degree as follows:

1756 (a) A misdemeanor of the first degree is reclassified as a
1757 felony of the third degree.

1758 (b) A felony of the third degree is reclassified as a
1759 felony of the second degree.

1760 (c) A felony of the second degree is reclassified as a
1761 felony of the first degree.

1762

1763 For purposes of sentencing under chapter 921 and incentive gain-
1764 time eligibility under chapter 944, a felony offense that is
1765 reclassified under this subsection is ranked one level above the
1766 ranking under s. 921.0022 of the felony offense committed, and a
1767 misdemeanor offense that is reclassified under this subsection
1768 is ranked in level 2 of the offense severity ranking chart in s.
1769 921.0022.

1770 Section 56. Section 817.569, Florida Statutes, is amended
1771 to read:

1772 817.569 Criminal use of a public record or public records
1773 information; penalties.—A person who knowingly uses any public
1774 record, as defined in s. 119.003 ~~s. 119.011~~, or who knowingly
1775 uses information obtainable only through such public record, to
1776 facilitate or further the commission of:

1777 (1) A misdemeanor of the first degree, commits a
1778 misdemeanor of the first degree, punishable as provided in s.
1779 775.082 or s. 775.083.

1780 (2) A felony, commits a felony of the third degree,
1781 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.



404492

1782 Section 57. Paragraphs (a) and (c) of subsection (3) of
1783 section 893.0551, Florida Statutes, are amended to read:

1784 893.0551 Public records exemption for the prescription drug
1785 monitoring program.—

1786 (3) The department shall disclose such confidential and
1787 exempt information to the following entities after using a
1788 verification process to ensure the legitimacy of that person's
1789 or entity's request for the information:

1790 (a) The Attorney General and his or her designee when
1791 working on Medicaid fraud cases involving prescription drugs or
1792 when the Attorney General has initiated a review of specific
1793 identifiers of Medicaid fraud regarding prescription drugs. The
1794 Attorney General or his or her designee may disclose the
1795 confidential and exempt information received from the department
1796 to a criminal justice agency as defined in s. 119.003 ~~s. 119.011~~
1797 as part of an active investigation that is specific to a
1798 violation of prescription drug abuse or prescription drug
1799 diversion law as it relates to controlled substances. The
1800 Attorney General's Medicaid fraud investigators may not have
1801 direct access to the department's database.

1802 (c) A law enforcement agency that has initiated an active
1803 investigation involving a specific violation of law regarding
1804 prescription drug abuse or diversion of prescribed controlled
1805 substances. The law enforcement agency may disclose the
1806 confidential and exempt information received from the department
1807 to a criminal justice agency as defined in s. 119.003 ~~s. 119.011~~
1808 as part of an active investigation that is specific to a
1809 violation of prescription drug abuse or prescription drug
1810 diversion law as it relates to controlled substances. A law



404492

1811 enforcement agency may request information from the department
1812 but may not have direct access to its database.

1813 Section 58. Subsection (5) of section 914.27, Florida
1814 Statutes, is amended to read:

1815 914.27 Confidentiality of victim and witness information.—

1816 (5) For the purposes of effectively implementing s. 914.25,
1817 any state or local law enforcement agency, state attorney, or
1818 the statewide prosecutor may provide written notification to an
1819 agency as defined in s. 119.003 ~~s. 119.011~~ or to a business
1820 entity operating under contract with, licensed by, or having any
1821 other business relationship with an agency, or providing
1822 services pursuant to s. 914.25, that information described in
1823 subsection (1) held by that agency or business is confidential
1824 and exempt from public disclosure. The state or local law
1825 enforcement agency, state attorney, or the statewide prosecutor
1826 providing such written notification shall also provide written
1827 notification to the agency or business as to when, in accordance
1828 with this section, identity and location information exempted
1829 pursuant to paragraphs (1) (a) and (b) can be made publicly
1830 available.

1831 Section 59. Paragraphs (a) and (b) of subsection (9) of
1832 section 943.031, Florida Statutes, are amended to read:

1833 943.031 Florida Violent Crime and Drug Control Council.—

1834 (9) CONFIDENTIALITY; EXEMPTED PORTIONS OF COUNCIL MEETINGS
1835 AND RECORDS.—

1836 (a) The Legislature finds that during limited portions of
1837 the meetings of the Florida Violent Crime and Drug Control
1838 Council it is necessary that the council be presented with and
1839 discuss details, information, and documents related to active



404492

1840 criminal investigations or matters constituting active criminal
1841 intelligence, as those concepts are defined by s. 119.003 ~~s.~~
1842 ~~119.011~~. These presentations and discussions are necessary for
1843 the council to make its funding decisions as required by the
1844 Legislature. The Legislature finds that to reveal the contents
1845 of documents containing active criminal investigative or
1846 intelligence information or to allow active criminal
1847 investigative or active criminal intelligence matters to be
1848 discussed in a meeting open to the public negatively impacts the
1849 ability of law enforcement agencies to efficiently continue
1850 their investigative or intelligence gathering activities. The
1851 Legislature finds that information coming before the council
1852 that pertains to active criminal investigations or intelligence
1853 should remain confidential and exempt from public disclosure.
1854 The Legislature finds that the Florida Violent Crime and Drug
1855 Control Council may, by declaring only those portions of council
1856 meetings in which active criminal investigative or active
1857 criminal intelligence information is to be presented or
1858 discussed closed to the public, assure an appropriate balance
1859 between the policy of this state that meetings be public and the
1860 policy of this state to facilitate efficient law enforcement
1861 efforts.

1862 (b) The Florida Violent Crime and Drug Control Council
1863 shall be considered a "criminal justice agency" within the
1864 definition of s. 119.003(8) ~~s. 119.011(4)~~.

1865 Section 60. Subsection (7) of section 943.0313, Florida
1866 Statutes, is amended to read:

1867 943.0313 Domestic Security Oversight Council.—The
1868 Legislature finds that there exists a need to provide executive



404492

1869 direction and leadership with respect to terrorism prevention,
1870 preparation, protection, response, and recovery efforts by state
1871 and local agencies in this state. In recognition of this need,
1872 the Domestic Security Oversight Council is hereby created. The
1873 council shall serve as an advisory council pursuant to s.
1874 20.03(7) to provide guidance to the state's regional domestic
1875 security task forces and other domestic security working groups
1876 and to make recommendations to the Governor and the Legislature
1877 regarding the expenditure of funds and allocation of resources
1878 related to counter-terrorism and domestic security efforts.

1879 (7) AGENCY DESIGNATION.—For purposes of this section, the
1880 Domestic Security Oversight Council shall be considered a
1881 criminal justice agency within the definition of s. 119.003(8)
1882 ~~s. 119.011(4)~~.

1883 Section 61. Paragraph (a) of subsection (1) of section
1884 943.0314, Florida Statutes, is amended to read:

1885 943.0314 Public records and public meetings exemptions;
1886 Domestic Security Oversight Council.—

1887 (1) (a) That portion of a meeting of the Domestic Security
1888 Oversight Council at which the council will hear or discuss
1889 active criminal investigative information or active criminal
1890 intelligence information as defined in s. 119.003 ~~s. 119.011~~ is
1891 exempt from s. 119.20 ~~s. 286.011~~ and s. 24(b), Art. I of the
1892 State Constitution, if:

1893 1. The chair of the council announces at a public meeting
1894 that, in connection with the performance of the council's
1895 duties, it is necessary that active criminal investigative
1896 information or active criminal intelligence information be
1897 discussed.



404492

1898 2. The chair declares the specific reasons that it is
1899 necessary to close the meeting, or portion thereof, in a
1900 document that is a public record and filed with the official
1901 records of the council.

1902 3. The entire closed meeting is recorded. The recording
1903 must include the times of commencement and termination of the
1904 closed meeting or portion thereof, all discussion and
1905 proceedings, and the names of the persons present. No portion of
1906 the closed meeting shall be off the record. The recording shall
1907 be maintained by the council.

1908 Section 62. Subsection (2) of section 943.032, Florida
1909 Statutes, is amended to read:

1910 943.032 Financial Crime Analysis Center and Financial
1911 Transaction Database.—

1912 (2) The department shall compile information and data
1913 available from financial transaction reports required to be
1914 submitted by state or federal law that are provided to the
1915 Department of Financial Services, to the Office of Financial
1916 Regulation of the Financial Services Commission, to the
1917 Department of Revenue, or to which the department otherwise has
1918 access. Information and data so received shall be utilized by
1919 the department in the Financial Transaction Database. The
1920 department shall implement a system utilizing the database that
1921 allows data review and processing to reveal patterns, trends,
1922 and correlations that are indicative of money laundering or
1923 other financial transactions indicative of criminal activity.
1924 The department shall, in consultation with the Department of
1925 Financial Services, the Office of Financial Regulation of the
1926 Financial Services Commission, and the Department of Revenue,



404492

1927 establish the methods and parameters by which information and
1928 data received by such agencies are transferred to the department
1929 for inclusion in the database. Information developed in or
1930 through the use of the database shall be made available to law
1931 enforcement agencies and prosecutors in this state in a manner
1932 defined by the department and as allowed by state or federal law
1933 or regulation. All information contained in the database shall
1934 be considered "active criminal intelligence" or "active criminal
1935 investigative information" as defined in s. 119.003 ~~s. 119.011~~.

1936 Section 63. This act shall take effect October 1, 2010.

1937
1938
1939 ===== T I T L E A M E N D M E N T =====

1940 And the title is amended as follows:

1941 Delete everything before the enacting clause
1942 and insert:

1943 A bill to be entitled
1944 An act relating to public records and public meetings;
1945 creating s. 119.001, F.S.; creating the "Sunshine in
1946 Government Act"; creating s. 119.002, F.S.; requiring
1947 all elected and appointed public officials to undergo
1948 education and training on the requirements of the
1949 Sunshine in Government Act; creating s. 119.003, F.S.;
1950 defining terms; amending s. 119.01, F.S.; requiring
1951 that an agency consider a recordkeeping system's
1952 capabilities of redacting exempt or confidential
1953 information when designing, acquiring, or upgrading
1954 such a system; amending s. 119.07, F.S.; conforming a
1955 cross-reference; requiring that the custodian of a



404492

1956 public record furnish a copy or certified copy of the
1957 record to the person requesting the record after
1958 payment of a designated fee; providing that if the
1959 nature or volume of the public record requested to be
1960 inspected or copied requires more than 30 minutes of
1961 agency resources, the agency may charge a fee for the
1962 agency resources incurred; providing for payment of
1963 the actual cost to duplicate a public record stored in
1964 an electronic format; authorizing an agency to charge
1965 a fee for converting a record into an electronic
1966 format; limiting the clerical cost of duplication of a
1967 record to the base hourly rate of the lowest paid
1968 personnel capable of providing such clerical or
1969 supervisory assistance; authorizing an agency to
1970 reduce or waive a fee pursuant to consistent policies;
1971 prohibiting an agency from charging a fee for the
1972 costs associated with redacting information from the
1973 record which the agency maintains is not subject to
1974 public-records requirements; amending s. 119.071,
1975 F.S.; removing the definitions for the terms "security
1976 system plan," "commercial activity," and "commercial
1977 entity"; creating s. 119.13, F.S.; directing the
1978 Division of Library and Information Services of the
1979 Department of State to adopt a rule to establish a
1980 model policy for providing public access to public
1981 records; amending s. 119.15, F.S.; providing that in
1982 the 10th year after reenactment of a statutory
1983 exemption, the exemption shall be repealed on October
1984 2nd of that year, unless the Legislature acts to



404492

1985 reenact the exemption; creating s. 119.20, F.S.;

1986 providing that all meetings of any board or commission

1987 of any state agency or authority or of any agency or

1988 authority of any county, municipal corporation, or

1989 political subdivision at which official acts are to be

1990 taken are declared to be public meetings that are open

1991 to the public at all times; requiring that the minutes

1992 of a meeting of any board or commission or any state

1993 agency or authority be promptly recorded and open to

1994 the public; prohibiting a person or entity subject to

1995 the open-meetings requirements from holding meetings

1996 at any facility or location that discriminates on the

1997 basis of sex, age, race, creed, color, origin, or

1998 economic status or that operates in such a manner as

1999 to unreasonably restrict public access to such a

2000 facility; creating s. 119.201, F.S.; providing for

2001 certain specified exemptions from open-meetings

2002 requirements; setting forth the procedures by which

2003 the closed meeting must proceed; providing for future

2004 repeal of the exemption and review under the Open

2005 Government Sunset Review Act; creating s. 119.202,

2006 F.S.; prohibiting a member of a state, county, or

2007 municipal governmental board, commission, or agency

2008 who is present at a meeting at which an official

2009 decision, ruling, or other official act is to be taken

2010 or adopted from abstaining from voting in regard to

2011 any such decision; providing for procedures with

2012 respect to a possible conflict of interest of the

2013 member; creating s. 119.30, F.S.; providing penalties



404492

2014 for violations of the Sunshine in Government Act;
2015 creating s. 119.31, F.S.; authorizing the circuit
2016 courts of this state to issue injunctions to enforce
2017 the act; authorizing any person to petition the court
2018 for an injunction; creating s. 119.32, F.S.; providing
2019 for attorney's fees under certain circumstances;
2020 repealing ss. 119.011, 119.10, 119.12, 286.011,
2021 286.0113, and 286.012, F.S., relating to definitions,
2022 violations and penalties of public-records
2023 requirements, attorney's fees, public meetings,
2024 general exemptions from public-meetings requirements,
2025 and voting requirements at meetings of governmental
2026 bodies, respectively; reenacting s. 27.02(2), F.S.,
2027 relating to the duties of the state attorney before
2028 the circuit court; reenacting s. 119.01(2)(f), F.S.,
2029 relating to state policy on public records; reenacting
2030 s. 119.0712(1)(d), F.S., relating to specific
2031 exemptions from inspection or copying of public
2032 records for executive branch agencies; reenacting s.
2033 119.084(2)(a), F.S., relating to the copyright of data
2034 processing software created by governmental agencies;
2035 reenacting s. 455.219(6), F.S., relating to licensure
2036 fees charged by professional boards; reenacting s.
2037 456.025(11), F.S., relating to costs of regulating
2038 health care professions and practitioners; reenacting
2039 ss. 458.3193(1)(c) and 459.0083(1)(c), F.S., relating
2040 to confidentiality of certain information contained in
2041 physician workforce surveys; reenacting s.
2042 472.011(16), F.S., relating to fees the surveyors and



404492

2043 mappers board may charge for application, examination,
2044 reexamination, and licensing; reenacting s.
2045 1012.31(2)(e), F.S., relating to public school system
2046 employee personnel files, to incorporate the
2047 amendments made to s. 119.07, F.S., in references
2048 thereto; reenacting s. 17.076(5), F.S., relating to
2049 the direct deposit of funds for a person who is
2050 drawing a salary or retirement benefits from the
2051 state; reenacting s. 119.0714, F.S., relating to court
2052 files and court records; reenacting s. 1007.35(8)(b),
2053 F.S., relating to the Florida Partnership for Minority
2054 and Underrepresented Student Achievement Act, to
2055 incorporate the amendments made to s. 119.071, F.S.,
2056 in references thereto; amending ss. 11.0431, 28.001,
2057 28.24, 73.0155, 97.0585, 112.3188, 163.61, 257.34,
2058 257.35, 281.301, 364.107, 382.0085, 383.402, 550.0251,
2059 607.0505, 617.0503, 636.064, 668.50, 668.6076,
2060 713.313, 787.03, 817.568, 817.569, 893.0551, 914.27,
2061 943.031, 943.0313, 943.0314, and 943.032, F.S.;
2062 conforming cross-references; providing an effective
2063 date.