

By the Committees on Judiciary; and Community Affairs; and  
Senator Dockery

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1                   A bill to be entitled  
2           An act relating to public records and public meetings;  
3           creating s. 119.001, F.S.; creating the "Sunshine in  
4           Government Act"; creating s. 119.002, F.S.; requiring  
5           all elected and appointed public officials to undergo  
6           education and training on the requirements of the  
7           Sunshine in Government Act; creating s. 119.003, F.S.;  
8           defining terms; amending s. 119.01, F.S.; requiring  
9           that an agency consider a recordkeeping system's  
10          capabilities of redacting exempt or confidential  
11          information when designing, acquiring, or upgrading  
12          such a system; amending s. 119.07, F.S.; conforming a  
13          cross-reference; requiring that the custodian of a  
14          public record furnish a copy or certified copy of the  
15          record to the person requesting the record after  
16          payment of a designated fee; providing that if the  
17          nature or volume of the public record requested to be  
18          inspected or copied requires more than 30 minutes, the  
19          agency may charge a fee for the agency resources  
20          incurred; providing for payment of the actual cost to  
21          duplicate a public record stored in an electronic  
22          format; authorizing an agency to charge a fee for  
23          converting a record into an electronic format;  
24          limiting the clerical cost of duplication of a record  
25          to the base hourly rate of the lowest paid personnel  
26          capable of providing such clerical or supervisory  
27          assistance; authorizing an agency to reduce or waive a  
28          fee pursuant to consistent policies; prohibiting an  
29          agency from charging a fee for the costs associated

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30 with redacting information from the record which the  
31 agency maintains is not subject to public-records  
32 requirements; amending s. 119.071, F.S.; removing the  
33 definitions for the terms "security system plan,"  
34 "commercial activity," and "commercial entity";  
35 creating s. 119.13, F.S.; directing the Division of  
36 Library and Information Services of the Department of  
37 State to adopt a rule to establish a model policy for  
38 providing public access to public records; amending s.  
39 119.15, F.S.; providing that in the 10th year after  
40 reenactment of a statutory exemption, the exemption  
41 shall be repealed on October 2nd of that year, unless  
42 the Legislature acts to reenact the exemption;  
43 creating s. 119.20, F.S.; providing that all meetings  
44 of any board or commission of any state agency or  
45 authority or of any agency or authority of any county,  
46 municipal corporation, or political subdivision at  
47 which official acts are to be taken are declared to be  
48 public meetings that are open to the public at all  
49 times; requiring that the minutes of a meeting of any  
50 board or commission or any state agency or authority  
51 be promptly recorded and open to the public;  
52 prohibiting a person or entity subject to the open-  
53 meetings requirements from holding meetings at any  
54 facility or location that discriminates on the basis  
55 of sex, age, race, creed, color, origin, or economic  
56 status or that operates in such a manner as to  
57 unreasonably restrict public access to such a  
58 facility; creating s. 119.201, F.S.; providing for

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59 certain specified exemptions from open-meetings  
60 requirements; setting forth the procedures by which  
61 the closed meeting must proceed; providing for future  
62 repeal of the exemption and review under the Open  
63 Government Sunset Review Act; creating s. 119.202,  
64 F.S.; prohibiting a member of a state, county, or  
65 municipal governmental board, commission, or agency  
66 who is present at a meeting at which an official  
67 decision, ruling, or other official act is to be taken  
68 or adopted from abstaining from voting in regard to  
69 any such decision; providing for procedures with  
70 respect to a possible conflict of interest of the  
71 member; creating s. 119.30, F.S.; providing penalties  
72 for violations of the Sunshine in Government; creating  
73 s. 119.31, F.S.; authorizing the circuit courts of  
74 this state to issue injunctions to enforce the act;  
75 authorizing any person to petition the court for an  
76 injunction; creating s. 119.32, F.S.; providing for  
77 attorney's fees under certain circumstances; repealing  
78 ss. 119.011, 119.10, 119.12, 286.011, 286.0113, and  
79 286.012, F.S., relating to definitions, violations and  
80 penalties of public-records requirements, attorney's  
81 fees, public meetings, general exemptions from public-  
82 meetings requirements, and voting requirements at  
83 meetings of governmental bodies, respectively;  
84 reenacting s. 27.02(2), F.S., relating to the duties  
85 of the state attorney before the circuit court;  
86 reenacting s. 119.01(2)(f), F.S., relating to state  
87 policy on public records; reenacting s.

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88 119.0712(1)(d), F.S., relating to specific exemptions  
89 from inspection or copying of public records for  
90 executive branch agencies; reenacting s.  
91 119.084(2)(a), F.S., relating to the copyright of data  
92 processing software created by governmental agencies;  
93 reenacting s. 455.219(6), F.S., relating to licensure  
94 fees charged by professional boards; reenacting s.  
95 456.025(11), F.S., relating to costs of regulating  
96 health care professions and practitioners; reenacting  
97 ss. 458.3193(1)(c) and 459.0083(1)(c), F.S., relating  
98 to confidentiality of certain information contained in  
99 physician workforce surveys; reenacting s.  
100 472.011(16), F.S., relating to fees the surveyors and  
101 mappers board may charge for application, examination,  
102 reexamination, and licensing; reenacting s.  
103 1012.31(2)(e), F.S., relating to public school system  
104 employee personnel files, to incorporate the  
105 amendments made to s. 119.07, F.S., in references  
106 thereto; reenacting s. 17.076(5), F.S., relating to  
107 the direct deposit of funds for a person who is  
108 drawing a salary or retirement benefits from the  
109 state; reenacting s. 119.0714, F.S., relating to court  
110 files and court records; reenacting s. 1007.35(8)(b),  
111 F.S., relating to the Florida Partnership for Minority  
112 and Underrepresented Student Achievement Act, to  
113 incorporate the amendments made to s. 119.071, F.S.,  
114 in references thereto; amending ss. 11.0431, 28.001,  
115 28.24, 73.0155, 97.0585, 112.3188, 163.61, 257.34,  
116 257.35, 281.301, 364.107, 382.0085, 383.402, 550.0251,

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117 607.0505, 617.0503, 636.064, 668.50, 668.6076,  
118 713.313, 787.03, 817.568, 817.569, 893.0551, 914.27,  
119 943.031, 943.0313, 943.0314, and 943.032, F.S.;  
120 conforming cross-references; providing an effective  
121 date.

122

123 Be It Enacted by the Legislature of the State of Florida:

124

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

127 119.001 Short title.—This chapter may be cited as the  
128 “Sunshine in Government Act.”

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

131 119.002 Education and training.—All elected and appointed  
132 public officials must undergo education and training on the  
133 requirements of the Sunshine in Government Act. A violation of  
134 this section is not subject to the penalty provisions in s.  
135 119.30.

136 Section 3. Section 119.003, Florida Statutes, is created to  
137 read:

138 119.003 Definitions.—As used in this chapter, the term:

139 (1) “Actual cost of duplication” means the cost of the  
140 material and supplies used to duplicate the public record but  
141 does not include labor cost or overhead associated with the  
142 duplication.

143 (2) “Agency” means any state, county, district, authority,  
144 or municipal officer, department, division, board, bureau,  
145 commission, or other separate unit of government created or

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146 established by law, including, for the purposes of this chapter,  
147 the Commission on Ethics, the Public Service Commission, the  
148 Office of Public Counsel, and any other public or private  
149 agency, person, partnership, corporation, or business entity  
150 acting on behalf of any public agency.

151 (3) "Agency resources" means the cost of clerical or  
152 supervisory assistance or agency information technology  
153 resources actually incurred by the agency in complying with a  
154 request for public records as authorized by s. 119.07(4). Costs  
155 for clerical or supervisory assistance must be charged at the  
156 base hourly rate of the lowest-paid personnel capable of  
157 providing the assistance.

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

162 (5) "Commercial activity" means the permissible uses set  
163 forth in the federal Driver's Privacy Protection Act of 1994, 18  
164 U.S.C. ss. 2721 et seq.; the Fair Credit Reporting Act, 15  
165 U.S.C. ss. 1681 et seq.; or the Financial Services Modernization  
166 Act of 1999, 15 U.S.C. ss. 6801 et seq., or verification of the  
167 accuracy of personal information received by a commercial entity  
168 in the normal course of its business, including identification  
169 or prevention of fraud or matching, verifying, or retrieving  
170 information. The term does not include the display or bulk sale  
171 of social security numbers to the public or the distribution of  
172 such numbers to any customer that is not identifiable by the  
173 commercial entity.

174 (6) "Commercial entity" means any corporation, partnership,

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175 limited partnership, proprietorship, sole proprietorship, firm,  
176 enterprise, franchise, or association that performs a commercial  
177 activity in this state.

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

182 (b) "Criminal investigative information" means information  
183 with respect to an identifiable person or group of persons  
184 compiled by a criminal justice agency in the course of  
185 conducting a criminal investigation of a specific act or  
186 omission, including, but not limited to, information derived  
187 from laboratory tests, reports of investigators or informants,  
188 or any type of surveillance.

189 (c) "Criminal intelligence information" and "criminal  
190 investigative information" does not include:

191 1. The time, date, location, and nature of a reported  
192 crime.

193 2. The name, gender, age, and address of a person arrested  
194 or of the victim of a crime, except as provided in s.  
195 119.071(2)(h).

196 3. The time, date, and location of the incident and of the  
197 arrest.

198 4. The crime charged.

199 5. Documents given or required by law or agency rule to be  
200 given to the person arrested, except as provided in s.  
201 119.071(2)(h). However, the court in a criminal case may order  
202 that certain information required by law or agency rule to be  
203 given to the person arrested be maintained in a confidential

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204 manner and exempt from the provisions of s. 119.07(1) until  
205 released at trial if it is found that the release of such  
206 information would:

207 a. Be defamatory to the good name of a victim or witness or  
208 would jeopardize the safety of such victim or witness; and

209 b. Impair the ability of a state attorney to locate or  
210 prosecute a codefendant.

211 6. Informations or indictments, except as provided in s.  
212 905.26.

213 (d) "Active" is defined as follows:

214 1. Criminal intelligence information shall be considered  
215 active as long as it is related to intelligence gathering  
216 conducted with a reasonable, good faith belief that it will lead  
217 to detection of ongoing or reasonably anticipated criminal  
218 activities.

219 2. Criminal investigative information shall be considered  
220 active as long as it is related to an ongoing investigation that  
221 is continuing with a reasonable, good faith anticipation of  
222 securing an arrest or prosecution in the foreseeable future.

223  
224 In addition, criminal intelligence and criminal investigative  
225 information shall be considered active while such information is  
226 directly related to pending prosecutions or appeals. The term  
227 "active" does not apply to information in cases that are barred  
228 from prosecution under the provisions of s. 775.15 or other  
229 statute of limitation.

230 (8) "Criminal justice agency" means:

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

232 (b) Any other agency charged by law with criminal law



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233 enforcement duties;

234 (c) Any agency having custody of criminal intelligence  
235 information or criminal investigative information for the  
236 purpose of assisting law enforcement agencies in the conduct of  
237 active criminal investigations or prosecutions, or for the  
238 purpose of litigating civil actions under the Racketeer  
239 Influenced and Corrupt Organization Act, during the time that  
240 the agencies are in possession of criminal intelligence  
241 information or criminal investigative information pursuant to  
242 their criminal law enforcement duties; or

243 (d) The Department of Corrections.

244 (9) "Custodian of public records" means the elected or  
245 appointed state, county, or municipal officer charged with the  
246 responsibility of maintaining the office having public records,  
247 or his or her designee.

248 (10) "Data processing software" means the programs and  
249 routines used to employ and control the capabilities of data  
250 processing hardware, including, but not limited to, operating  
251 systems, compilers, assemblers, utilities, library routines,  
252 maintenance routines, applications, and computer networking  
253 programs.

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

256 (12) "Exemption" means a provision of general law which  
257 provides that a specified record or meeting, or portion thereof,  
258 is not subject to the access requirements of s. 119.07(1), s.  
259 119.20, or s. 24, Art. I of the State Constitution.

260 (13) "Information technology resources" means data  
261 processing hardware and software and services, communications,

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262 supplies, personnel, facility resources, maintenance, and  
263 training.

264 (14) "Paratransit" has the same meaning as provided in s.  
265 427.011.

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

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

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

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

279 (a) Records, information, photographs, audio and visual  
280 presentations, schematic diagrams, surveys, recommendations, or  
281 consultations or portions thereof relating directly to the  
282 physical security of the facility or revealing security systems;

283 (b) Threat assessments conducted by any agency or any  
284 private entity;

285 (c) Threat response plans;

286 (d) Emergency evacuation plans;

287 (e) Sheltering arrangements; or

288 (f) Manuals for security personnel, emergency equipment, or  
289 security training.

290 (19) "Sensitive," for purposes of defining agency-produced

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291 software, means only those portions of data processing software,  
292 including the specifications and documentation, which are used  
293 to:

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

296 (b) Collect, process, store, and retrieve financial  
297 management information of the agency, such as payroll and  
298 accounting records; or

299 (c) Control and direct access authorizations and security  
300 measures for automated systems.

301 (20) "Trade secret" has the same meaning as provided in s.  
302 688.002.

303 Section 4. Paragraph (b) of subsection (2) of section  
304 119.01, Florida Statutes, is amended to read:

305 119.01 General state policy on public records.-

306 (2)

307 (b) When designing, ~~or~~ acquiring, or upgrading an  
308 electronic recordkeeping system, an agency must consider whether  
309 such system is capable of:

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

313 2. Redacting information that is exempt or confidential and  
314 exempt contained in the public records that are online or stored  
315 in such system.

316 Section 5. Section 119.07, Florida Statutes, is amended to  
317 read

318 119.07 Inspection and copying of records; photographing  
319 public records; fees; exemptions.-

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320 (1) (a) Every person who has custody of a public record  
321 shall permit the record to be inspected and copied by any person  
322 desiring to do so, at any reasonable time, under reasonable  
323 conditions, and under supervision by the custodian of the public  
324 records.

325 (b) A custodian of public records or a person having  
326 custody of public records may designate another officer or  
327 employee of the agency to permit the inspection and copying of  
328 public records, but must disclose the identity of the designee  
329 to the person requesting to inspect or copy public records.

330 (c) A custodian of public records and his or her designee  
331 must acknowledge requests to inspect or copy records promptly  
332 and respond to such requests in good faith. A good faith  
333 response includes making reasonable efforts to determine from  
334 other officers or employees within the agency whether such a  
335 record exists and, if so, the location at which the record can  
336 be accessed.

337 (d) A person who has custody of a public record who asserts  
338 that an exemption applies to a part of such record shall redact  
339 that portion of the record to which an exemption has been  
340 asserted and validly applies, and such person shall produce the  
341 remainder of such record for inspection and copying.

342 (e) If the person who has custody of a public record  
343 contends that all or part of the record is exempt from  
344 inspection and copying, he or she shall state the basis of the  
345 exemption that he or she contends is applicable to the record,  
346 including the statutory citation to an exemption created or  
347 afforded by statute.

348 (f) If requested by the person seeking to inspect or copy

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349 the record, the custodian of public records shall state in  
350 writing and with particularity the reasons for the conclusion  
351 that the record is exempt or confidential.

352 (g) In any civil action in which an exemption to this  
353 section is asserted, if the exemption is alleged to exist under  
354 or by virtue of s. 119.071(1)(d) or (f), (2)(d), (e), or (f), or  
355 (4)(c), the public record or part thereof in question shall be  
356 submitted to the court for an inspection in camera. If an  
357 exemption is alleged to exist under or by virtue of s.  
358 119.071(2)(c), an inspection in camera is discretionary with the  
359 court. If the court finds that the asserted exemption is not  
360 applicable, it shall order the public record or part thereof in  
361 question to be immediately produced for inspection or copying as  
362 requested by the person seeking such access.

363 (h) Even if an assertion is made by the custodian of public  
364 records that a requested record is not a public record subject  
365 to public inspection or copying under this subsection, the  
366 requested record shall, nevertheless, not be disposed of for a  
367 period of 30 days after the date on which a written request to  
368 inspect or copy the record was served on or otherwise made to  
369 the custodian of public records by the person seeking access to  
370 the record. If a civil action is instituted within the 30-day  
371 period to enforce the provisions of this section with respect to  
372 the requested record, the custodian of public records may not  
373 dispose of the record except by order of a court of competent  
374 jurisdiction after notice to all affected parties.

375 (i) The absence of a civil action instituted for the  
376 purpose stated in paragraph (g) does not relieve the custodian  
377 of public records of the duty to maintain the record as a public

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378 record if the record is in fact a public record subject to  
379 public inspection and copying under this subsection and does not  
380 otherwise excuse or exonerate the custodian of public records  
381 from any unauthorized or unlawful disposition of such record.

382 (2) (a) As an additional means of inspecting or copying  
383 public records, a custodian of public records may provide access  
384 to public records by remote electronic means, provided exempt or  
385 confidential information is not disclosed.

386 (b) The custodian of public records shall provide  
387 safeguards to protect the contents of public records from  
388 unauthorized remote electronic access or alteration and to  
389 prevent the disclosure or modification of those portions of  
390 public records which are exempt or confidential from subsection  
391 (1) or s. 24, Art. I of the State Constitution.

392 (c) Unless otherwise required by law, the custodian of  
393 public records may charge a fee for remote electronic access,  
394 granted under a contractual arrangement with a user, which fee  
395 may include the direct and indirect costs of providing such  
396 access. Fees for remote electronic access provided to the  
397 general public shall be in accordance with the provisions of  
398 this section.

399 (3) (a) Any person shall have the right of access to public  
400 records for the purpose of making photographs of the record  
401 while such record is in the possession, custody, and control of  
402 the custodian of public records.

403 (b) This subsection applies to the making of photographs in  
404 the conventional sense by use of a camera device to capture  
405 images of public records but excludes the duplication of  
406 microfilm in the possession of the clerk of the circuit court

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407 where a copy of the microfilm may be made available by the  
408 clerk.

409 (c) Photographing public records shall be done under the  
410 supervision of the custodian of public records, who may adopt  
411 and enforce reasonable rules governing the photographing of such  
412 records.

413 (d) Photographing of public records shall be done in the  
414 room where the public records are kept. If, in the judgment of  
415 the custodian of public records, this is impossible or  
416 impracticable, photographing shall be done in another room or  
417 place, as nearly adjacent as possible to the room where the  
418 public records are kept, to be determined by the custodian of  
419 public records. Where provision of another room or place for  
420 photographing is required, the expense of providing the same  
421 shall be paid by the person desiring to photograph the public  
422 record pursuant to paragraph (4) (h) ~~(4) (e)~~.

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

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

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

431 3. For all other copies, the actual cost of duplication of  
432 the public record.

433  
434 If the nature or volume of the public records requested to be  
435 inspected or copied requires more than 30 minutes of agency

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436 resources, the agency may charge an additional fee for such  
437 resources incurred by the agency for the portion of a request  
438 requiring more than 30 minutes.

439 (b)1. For a copy of a public record in any electronic  
440 medium stored, maintained, or used by an agency, the actual cost  
441 of duplication. However, if the nature or volume of the public  
442 records requested to be copied requires more than 30 minutes,  
443 the agency may charge an additional fee for such resources  
444 incurred by the agency for the portion of a request requiring  
445 more than 30 minutes.

446 2. If an agency has the software and hardware necessary to  
447 convert the record into the electronic format requested as a  
448 step in the process of copying or exporting the requested  
449 record, the agency must provide the record in the format  
450 requested and may charge a fee authorized by this subsection.

451 (c) The cost of clerical or supervisory assistance may be  
452 no greater than the base hourly rate of the lowest paid  
453 personnel capable of providing such clerical or supervisory  
454 assistance.

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

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

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

464 (g) An agency is not authorized to charge a fee for costs



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465 associated with redaction of information from a public record  
466 that the agency maintains is not subject to the requirements of  
467 s. 119.07(1) because such information is not a public record as  
468 defined in s. 119.003.

469 ~~(d) If the nature or volume of public records requested to~~  
470 ~~be inspected or copied pursuant to this subsection is such as to~~  
471 ~~require extensive use of information technology resources or~~  
472 ~~extensive clerical or supervisory assistance by personnel of the~~  
473 ~~agency involved, or both, the agency may charge, in addition to~~  
474 ~~the actual cost of duplication, a special service charge, which~~  
475 ~~shall be reasonable and shall be based on the cost incurred for~~  
476 ~~such extensive use of information technology resources or the~~  
477 ~~labor cost of the personnel providing the service that is~~  
478 ~~actually incurred by the agency or attributable to the agency~~  
479 ~~for the clerical and supervisory assistance required, or both.~~

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

484 2. The custodian of public records may charge the person  
485 making the photographs for supervision services at a rate of  
486 compensation to be agreed upon by the person desiring to make  
487 the photographs and the custodian of public records. If they  
488 fail to agree as to the appropriate charge, the charge shall be  
489 determined by the custodian of public records.

490 (5) When ballots are produced under this section for  
491 inspection or examination, no persons other than the supervisor  
492 of elections or the supervisor's employees shall touch the  
493 ballots. If the ballots are being examined before the end of the

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494 contest period in s. 102.168, the supervisor of elections shall  
495 make a reasonable effort to notify all candidates by telephone  
496 or otherwise of the time and place of the inspection or  
497 examination. All such candidates, or their representatives,  
498 shall be allowed to be present during the inspection or  
499 examination.

500 (6) An exemption contained in this chapter or in any other  
501 general or special law shall not limit the access of the Auditor  
502 General, the Office of Program Policy Analysis and Government  
503 Accountability, or any state, county, municipal, university,  
504 board of community college, school district, or special district  
505 internal auditor to public records when such person states in  
506 writing that such records are needed for a properly authorized  
507 audit, examination, or investigation. Such person shall maintain  
508 the exempt or confidential status of that public record and  
509 shall be subject to the same penalties as the custodian of that  
510 record for public disclosure of such record.

511 (7) An exemption from this section does not imply an  
512 exemption from s. 119.20 ~~s. 286.011~~. The exemption from s.  
513 119.20 ~~s. 286.011~~ must be expressly provided.

514 (8) The provisions of this section are not intended to  
515 expand or limit the provisions of Rule 3.220, Florida Rules of  
516 Criminal Procedure, regarding the right and extent of discovery  
517 by the state or by a defendant in a criminal prosecution or in  
518 collateral postconviction proceedings. This section may not be  
519 used by any inmate as the basis for failing to timely litigate  
520 any postconviction action.

521 Section 6. Paragraph (a) of subsection (3) and paragraph  
522 (a) of subsection (5) of section 119.071, Florida Statutes, are

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523 amended to read:

524 119.071 General exemptions from inspection or copying of  
525 public records.—

526 (3) SECURITY.—

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

529 a. ~~Records, information, photographs, audio and visual~~  
530 ~~presentations, schematic diagrams, surveys, recommendations, or~~  
531 ~~consultations or portions thereof relating directly to the~~  
532 ~~physical security of the facility or revealing security systems;~~

533 b. ~~Threat assessments conducted by any agency or any~~  
534 ~~private entity;~~

535 c. ~~Threat response plans;~~

536 d. ~~Emergency evacuation plans;~~

537 e. ~~Sheltering arrangements; or~~

538 f. ~~Manuals for security personnel, emergency equipment, or~~  
539 ~~security training.~~

540 1.2. A security system plan or portion thereof for:

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

543 b. Any privately owned or leased property

544

545 held by an agency is confidential and exempt from s. 119.07(1)  
546 and s. 24(a), Art. I of the State Constitution. This exemption  
547 is remedial in nature, and it is the intent of the Legislature  
548 that this exemption apply to security system plans held by an  
549 agency before, on, or after the effective date of this  
550 paragraph.

551 2.3. Information made confidential and exempt by this

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552 paragraph may be disclosed by the custodian of public records  
553 to:

554 a. The property owner or leaseholder; or

555 b. Another state or federal agency to prevent, detect,  
556 guard against, respond to, investigate, or manage the  
557 consequences of any attempted or actual act of terrorism, or to  
558 prosecute those persons who are responsible for such attempts or  
559 acts.

560 (5) OTHER PERSONAL INFORMATION.—

561 (a)1.a. The Legislature acknowledges that the social  
562 security number was never intended to be used for business  
563 purposes but was intended to be used solely for the  
564 administration of the federal Social Security System. The  
565 Legislature is further aware that over time this unique numeric  
566 identifier has been used extensively for identity verification  
567 purposes and other legitimate consensual purposes.

568 b. The Legislature recognizes that the social security  
569 number can be used as a tool to perpetuate fraud against an  
570 individual and to acquire sensitive personal, financial,  
571 medical, and familial information, the release of which could  
572 cause great financial or personal harm to an individual.

573 c. The Legislature intends to monitor the use of social  
574 security numbers held by agencies in order to maintain a  
575 balanced public policy.

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

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

580 (II) Imperative for the performance of that agency's duties

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581 and responsibilities as prescribed by law.

582       b. An agency shall identify in writing the specific federal  
583 or state law governing the collection, use, or release of social  
584 security numbers for each purpose for which the agency collects  
585 the social security number, including any authorized exceptions  
586 that apply to such collection, use, or release. Each agency  
587 shall ensure that the collection, use, or release of social  
588 security numbers complies with the specific applicable federal  
589 or state law.

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

593       3. An agency collecting an individual's social security  
594 number shall provide that individual with a copy of the written  
595 statement required in subparagraph 2. The written statement also  
596 shall state whether collection of the individual's social  
597 security number is authorized or mandatory under federal or  
598 state law.

599       4. Each agency shall review whether its collection of  
600 social security numbers is in compliance with subparagraph 2. If  
601 the agency determines that collection of a social security  
602 number is not in compliance with subparagraph 2., the agency  
603 shall immediately discontinue the collection of social security  
604 numbers for that purpose.

605       5. Social security numbers held by an agency are  
606 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
607 of the State Constitution. This exemption applies to social  
608 security numbers held by an agency before, on, or after the  
609 effective date of this exemption. This exemption does not

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610 supersede any federal law prohibiting the release of social  
611 security numbers or any other applicable public records  
612 exemption for social security numbers existing prior to May 13,  
613 2002, or created thereafter.

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

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

618 b. The disclosure of the social security number is  
619 necessary for the receiving agency or governmental entity to  
620 perform its duties and responsibilities.

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

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

626 e. The disclosure of the social security number is made to  
627 a commercial entity for the permissible uses set forth in the  
628 federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss.  
629 2721 et seq.; the Fair Credit Reporting Act, 15 U.S.C. ss. 1681  
630 et seq.; or the Financial Services Modernization Act of 1999, 15  
631 U.S.C. ss. 6801 et seq., provided that the authorized commercial  
632 entity complies with the requirements of this paragraph.

633 f. The disclosure of the social security number is for the  
634 purpose of the administration of health benefits for an agency  
635 employee or his or her dependents.

636 g. The disclosure of the social security number is for the  
637 purpose of the administration of a pension fund administered for  
638 the agency employee's retirement fund, deferred compensation

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639 plan, or defined contribution plan.

640 h. The disclosure of the social security number is for the  
641 purpose of the administration of the Uniform Commercial Code by  
642 the office of the Secretary of State.

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

644 ~~(I) "Commercial activity" means the permissible uses set~~  
645 ~~forth in the federal Driver's Privacy Protection Act of 1994, 18~~  
646 ~~U.S.C. ss. 2721 et seq.; the Fair Credit Reporting Act, 15~~  
647 ~~U.S.C. ss. 1681 et seq.; or the Financial Services Modernization~~  
648 ~~Act of 1999, 15 U.S.C. ss. 6801 et seq., or verification of the~~  
649 ~~accuracy of personal information received by a commercial entity~~  
650 ~~in the normal course of its business, including identification~~  
651 ~~or prevention of fraud or matching, verifying, or retrieving~~  
652 ~~information. It does not include the display or bulk sale of~~  
653 ~~social security numbers to the public or the distribution of~~  
654 ~~such numbers to any customer that is not identifiable by the~~  
655 ~~commercial entity.~~

656 ~~(II) "Commercial entity" means any corporation,~~  
657 ~~partnership, limited partnership, proprietorship, sole~~  
658 ~~proprietorship, firm, enterprise, franchise, or association that~~  
659 ~~performs a commercial activity in this state.~~

660 a.b. An agency may not deny a commercial entity engaged in  
661 the performance of a commercial activity access to social  
662 security numbers, provided the social security numbers will be  
663 used only in the performance of a commercial activity and  
664 provided the commercial entity makes a written request for the  
665 social security numbers. The written request must:

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

667 (II) Be legibly signed by an authorized officer, employee,

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668 or agent of the commercial entity;

669 (III) Contain the commercial entity's name, business  
670 mailing and location addresses, and business telephone number;  
671 and

672 (IV) Contain a statement of the specific purposes for which  
673 it needs the social security numbers and how the social security  
674 numbers will be used in the performance of a commercial  
675 activity, including the identification of any specific federal  
676 or state law that permits such use.

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

681 8.a. Any person who makes a false representation in order  
682 to obtain a social security number pursuant to this paragraph,  
683 or any person who willfully and knowingly violates this  
684 paragraph, commits a felony of the third degree, punishable as  
685 provided in s. 775.082 or s. 775.083.

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

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

691 Section 7. Section 119.13, Florida Statutes, is created to  
692 read:

693 119.13 Model public access policy.—The Division of Library  
694 and Information Services of the Department of State shall adopt  
695 a rule to establish a model policy for providing public access  
696 to public records in accordance with this part.



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697 Section 8. Section 119.15, Florida Statutes, is amended to  
698 read:

699 119.15 Legislative review of exemptions from public meeting  
700 and public records requirements.—

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

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

707 (a) Is required by federal law; or

708 (b) Applies solely to the Legislature or the State Court  
709 System.

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

714 (b) In the 10th year after reenactment the exemption shall  
715 be repealed on October 2nd of the 10th year, unless the  
716 Legislature acts to reenact the exemption.

717 (4) (a) A law that enacts a new exemption or substantially  
718 amends an existing exemption must state that the record or  
719 meeting is:

720 1. Exempt from s. 24, Art. I of the State Constitution;

721 2. Exempt from s. 119.07(1) or s. 119.20 ~~s. 286.011~~; and

722 3. Repealed at the end of 5 years and that the exemption  
723 must be reviewed by the Legislature before the scheduled repeal  
724 date and every 10 years thereafter.

725 (b) For purposes of this section, an exemption is

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726 substantially amended if the amendment expands the scope of the  
727 exemption to include more records or information or to include  
728 meetings as well as records. An exemption is not substantially  
729 amended if the amendment narrows the scope of the exemption.

730 (c) This section is not intended to repeal an exemption  
731 that has been amended following legislative review before the  
732 scheduled repeal of the exemption if the exemption is not  
733 substantially amended as a result of the review.

734 (5) (a) By June 1 in the year before the repeal of an  
735 exemption under this section, the Division of Statutory Revision  
736 of the Office of Legislative Services shall certify to the  
737 President of the Senate and the Speaker of the House of  
738 Representatives the language and statutory citation of each  
739 exemption scheduled for repeal the following year.

740 (b) Any exemption that is not identified and certified to  
741 the President of the Senate and the Speaker of the House of  
742 Representatives is not subject to legislative review and repeal  
743 under this section. If the division fails to certify an  
744 exemption that it subsequently determines should have been  
745 certified, it shall include the exemption in the following  
746 year's certification after that determination.

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

749 1. What specific records or meetings are affected by the  
750 exemption?

751 2. Whom does the exemption uniquely affect, as opposed to  
752 the general public?

753 3. What is the identifiable public purpose or goal of the  
754 exemption?

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755 4. Can the information contained in the records or  
756 discussed in the meeting be readily obtained by alternative  
757 means? If so, how?

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

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

761 (b) An exemption may be created, revised, or maintained  
762 only if it serves an identifiable public purpose, and the  
763 exemption may be no broader than is necessary to meet the public  
764 purpose it serves. An identifiable public purpose is served if  
765 the exemption meets one of the following purposes and the  
766 Legislature finds that the purpose is sufficiently compelling to  
767 override the strong public policy of open government and cannot  
768 be accomplished without the exemption:

769 1. Allows the state or its political subdivisions to  
770 effectively and efficiently administer a governmental program,  
771 which administration would be significantly impaired without the  
772 exemption;

773 2. Protects information of a sensitive personal nature  
774 concerning individuals, the release of which information would  
775 be defamatory to such individuals or cause unwarranted damage to  
776 the good name or reputation of such individuals or would  
777 jeopardize the safety of such individuals. However, in  
778 exemptions under this subparagraph, only information that would  
779 identify the individuals may be exempted; or

780 3. Protects information of a confidential nature concerning  
781 entities, including, but not limited to, a formula, pattern,  
782 device, combination of devices, or compilation of information  
783 which is used to protect or further a business advantage over

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784 those who do not know or use it, the disclosure of which  
785 information would injure the affected entity in the marketplace.

786 (7) Records made before the date of a repeal of an  
787 exemption under this section may not be made public unless  
788 otherwise provided by law. In deciding whether the records shall  
789 be made public, the Legislature shall consider whether the  
790 damage or loss to persons or entities uniquely affected by the  
791 exemption of the type specified in subparagraph (6) (b)2. or  
792 subparagraph (6) (b)3. would occur if the records were made  
793 public.

794 (8) Notwithstanding s. 768.28 or any other law, neither the  
795 state or its political subdivisions nor any other public body  
796 shall be made party to any suit in any court or incur any  
797 liability for the repeal or revival and reenactment of an  
798 exemption under this section. The failure of the Legislature to  
799 comply strictly with this section does not invalidate an  
800 otherwise valid reenactment.

801 Section 9. Section 119.20, Florida Statutes, is created to  
802 read:

803 119.20 Public meetings and records; access to public  
804 meetings.-

805 (1) All meetings of any board or commission of any state  
806 agency or authority or of any agency or authority of any county,  
807 municipal corporation, or political subdivision, except as  
808 otherwise provided in the State Constitution, at which official  
809 acts are to be taken are declared to be public meetings that are  
810 open to the public at all times, and no resolution, rule, or  
811 formal action shall be considered binding except as taken or  
812 made at such meeting. The board or commission must provide

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813 reasonable notice of all such meetings.

814 (2) The minutes of a meeting of any such board or  
815 commission of any such state agency or authority shall be  
816 promptly recorded, and such records shall be open to public  
817 inspection.

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

823 Section 10. Section 119.201, Florida Statutes, is created  
824 to read:

825 119.201 General exemptions from public meetings.-

826 (1) Any board or commission of any state agency or  
827 authority or any agency or authority of any county, municipal  
828 corporation, or political subdivision, and the chief  
829 administrative or executive officer of the governmental entity,  
830 may meet in private with the entity's attorney to discuss  
831 pending litigation to which the entity is presently a party  
832 before a court or administrative agency if the following  
833 conditions are met:

834 (a) The entity's attorney shall advise the entity at a  
835 public meeting that he or she desires advice concerning the  
836 litigation.

837 (b) The subject matter of the meeting shall be confined to  
838 settlement negotiations or strategy sessions related to  
839 litigation expenditures.

840 (c) The entire session shall be recorded by a certified  
841 court reporter. The reporter shall record the times of

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842 commencement and termination of the session, all discussion and  
843 proceedings, the names of all persons present at any time, and  
844 the names of all persons speaking. No portion of the session  
845 shall be off the record. The court reporter's notes shall be  
846 fully transcribed and filed with the entity's clerk within a  
847 reasonable time after the meeting.

848 (d) The entity shall give reasonable public notice of the  
849 time and date of the attorney-client session and the names of  
850 persons who will be attending the session. The session shall  
851 commence at an open meeting at which the persons chairing the  
852 meeting shall announce the commencement and estimated length of  
853 the attorney-client session and the names of the persons  
854 attending. At the conclusion of the attorney-client session, the  
855 meeting shall be reopened, and the person chairing the meeting  
856 shall announce the termination of the session.

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

859 (2) That portion of a meeting which would reveal a security  
860 system plan or portion thereof made confidential and exempt by  
861 s. 119.071(3)(a) is exempt from s. 119.20 and s. 24(b), Art. I  
862 of the State Constitution.

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

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

869 2. The recording required under subparagraph 1. is exempt  
870 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution

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871 until such time as the agency provides notice of a decision or  
872 intended decision pursuant to s. 120.57(3)(a) or until 20 days  
873 after the final competitive sealed replies are all opened,  
874 whichever occurs earlier.

875 3. If the agency rejects all sealed replies, the recording  
876 remains exempt from s. 119.07(1) and s. 24(a), Art. I of the  
877 State Constitution until such time as the agency provides notice  
878 of a decision or intended decision pursuant to s. 120.57(3)(a)  
879 concerning the reissued invitation to negotiate or until the  
880 agency withdraws the reissued invitation to negotiate. A  
881 recording is not exempt for longer than 12 months after the  
882 initial agency notice rejecting all replies.

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

887 Section 11. Section 119.202, Florida Statutes, is created  
888 to read:

889 119.202 Voting requirement at meetings of governmental  
890 bodies.—A member of any state, county, or municipal governmental  
891 board, commission, or agency who is present at any meeting of  
892 any such body at which an official decision, ruling, or other  
893 official act is to be taken or adopted may not abstain from  
894 voting in regard to any such decision, ruling, or act; and a  
895 vote shall be recorded or counted for each such member present,  
896 except when, with respect to any such member, there is, or  
897 appears to be, a possible conflict of interest under the  
898 provisions of s. 112.311, s. 112.313, or s. 112.3143. In such  
899 case, the member shall comply with the disclosure requirements

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900 of s. 112.3143.

901 Section 12. Section 119.30, Florida Statutes, is created to  
902 read:

903 119.30 Violation of chapter; penalties.—

904 (1) A violation of any law that relates to access to public  
905 records or meetings shall be considered a violation of this  
906 chapter.

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

910 (3) A person who willfully and knowingly violates any of  
911 the provisions of this chapter commits a misdemeanor of the  
912 first degree, punishable as provided in s. 775.082 or s.  
913 775.083.

914 (4) Conduct that occurs outside the state and that would  
915 constitute a knowing violation of this chapter is a misdemeanor  
916 of the first degree, punishable as provided in s. 775.082 or s.  
917 775.083.

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

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

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

923 (c) Exhibited a pattern of abuse of the requirements of  
924 this chapter,

925  
926 the court may assess a penalty against the agency equal to twice  
927 the amount awarded pursuant to this section.

928 Section 13. Section 119.31, Florida Statutes, is created to



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929 read:

930 119.31 Injunctions.—The circuit courts of this state have  
931 jurisdiction to issue injunctions to enforce this chapter upon  
932 application by any person.

933 Section 14. Section 119.32, Florida Statutes, is created to  
934 read:

935 119.32 Attorney's fees.—

936 (1) If an action is filed against an agency to enforce the  
937 provisions of this chapter or any other law that relates to  
938 access to public records or meetings, including those laws that  
939 limit public access to such records or meetings, and if the  
940 court determines that the agency unlawfully refused to permit a  
941 public record to be inspected or copied, or otherwise acted in  
942 violation of this chapter, the court shall assess and award  
943 against the agency responsible the reasonable costs of  
944 enforcement, including reasonable attorney's fees at trial and  
945 on appeal.

946 (2) Fees assessed pursuant to subsection (1) may not be  
947 assessed against any individual acting on the advice of an  
948 agency attorney, but shall be assessed against the agency.

949 (3) Whenever any individual is charged with a violation of  
950 this chapter and is subsequently acquitted, the agency may  
951 reimburse the individual for any portion of his or her  
952 reasonable attorney's fees.

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

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

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

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

957 Section 19. Section 286.0113, Florida Statutes, is

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958 repealed.

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

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

964 27.02 Duties before court.—

965 (2) The state attorney, when complying with the discovery  
966 obligation pursuant to the applicable rule of procedure, may  
967 charge the defendant fees as provided for in s. 119.07(4), not  
968 to exceed 15 cents per page for a copy of a noncertified copy of  
969 a public record. However, these fees may be deferred if the  
970 defendant has been determined to be indigent as provided in s.  
971 27.52.

972 Section 22. For the purpose of incorporating the amendment  
973 made by this act to section 119.07, Florida Statutes, in a  
974 reference thereto, paragraph (f) of subsection (2) of section  
975 119.01, Florida Statutes, is reenacted to read:

976 119.01 General state policy on public records.—

977 (2)

978 (f) Each agency that maintains a public record in an  
979 electronic recordkeeping system shall provide to any person,  
980 pursuant to this chapter, a copy of any public record in that  
981 system which is not exempted by law from public disclosure. An  
982 agency must provide a copy of the record in the medium requested  
983 if the agency maintains the record in that medium, and the  
984 agency may charge a fee in accordance with this chapter. For the  
985 purpose of satisfying a public records request, the fee to be  
986 charged by an agency if it elects to provide a copy of a public

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987 record in a medium not routinely used by the agency, or if it  
988 elects to compile information not routinely developed or  
989 maintained by the agency or that requires a substantial amount  
990 of manipulation or programming, must be in accordance with s.  
991 119.07(4).

992 Section 23. For the purpose of incorporating the amendment  
993 made by this act to section 119.07, Florida Statutes, in a  
994 reference thereto, paragraph (d) of subsection (1) of section  
995 119.0712, Florida Statutes, is reenacted to read:

996 119.0712 Executive branch agency-specific exemptions from  
997 inspection or copying of public records.—

998 (1) DEPARTMENT OF HEALTH.—All personal identifying  
999 information contained in records relating to an individual's  
1000 personal health or eligibility for health-related services held  
1001 by the Department of Health is confidential and exempt from s.  
1002 119.07(1) and s. 24(a), Art. I of the State Constitution, except  
1003 as otherwise provided in this subsection. Information made  
1004 confidential and exempt by this subsection shall be disclosed:

1005 (d) To a health research entity, if the entity seeks the  
1006 records or data pursuant to a research protocol approved by the  
1007 department, maintains the records or data in accordance with the  
1008 approved protocol, and enters into a purchase and data-use  
1009 agreement with the department, the fee provisions of which are  
1010 consistent with s. 119.07(4). The department may deny a request  
1011 for records or data if the protocol provides for intrusive  
1012 follow-back contacts, has not been approved by a human studies  
1013 institutional review board, does not plan for the destruction of  
1014 confidential records after the research is concluded, is  
1015 administratively burdensome, or does not have scientific merit.

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1016 The agreement must restrict the release of any information that  
1017 would permit the identification of persons, limit the use of  
1018 records or data to the approved research protocol, and prohibit  
1019 any other use of the records or data. Copies of records or data  
1020 issued pursuant to this paragraph remain the property of the  
1021 department.

1022 Section 24. For the purpose of incorporating the amendment  
1023 made by this act to section 119.07, Florida Statutes, in a  
1024 reference thereto, paragraph (a) of subsection (2) of section  
1025 119.084, Florida Statutes, is reenacted to read:

1026 119.084 Copyright of data processing software created by  
1027 governmental agencies; sale price and licensing fee.—

1028 (2) An agency is authorized to acquire and hold a copyright  
1029 for data processing software created by the agency and to  
1030 enforce its rights pertaining to such copyright, provided that  
1031 the agency complies with the requirements of this subsection.

1032 (a) An agency that has acquired a copyright for data  
1033 processing software created by the agency may sell or license  
1034 the copyrighted data processing software to any public agency or  
1035 private person. The agency may establish a price for the sale  
1036 and a licensing fee for the use of such data processing software  
1037 that may be based on market considerations. However, the prices  
1038 or fees for the sale or licensing of copyrighted data processing  
1039 software to an individual or entity solely for application to  
1040 information maintained or generated by the agency that created  
1041 the copyrighted data processing software shall be determined  
1042 pursuant to s. 119.07(4).

1043 Section 25. For the purpose of incorporating the amendment  
1044 made by this act to section 119.07, Florida Statutes, in a

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1045 reference thereto, subsection (6) of section 455.219, Florida  
1046 Statutes, is reenacted to read:

1047 455.219 Fees; receipts; disposition; periodic management  
1048 reports.—

1049 (6) The department or the appropriate board shall charge a  
1050 fee not to exceed \$25 for the certification of a public record.  
1051 The fee shall be determined by rule of the department. The  
1052 department or the appropriate board shall assess a fee for  
1053 duplication of a public record as provided in s. 119.07(4).

1054 Section 26. For the purpose of incorporating the amendment  
1055 made by this act to section 119.07, Florida Statutes, in a  
1056 reference thereto, subsection (11) of section 456.025, Florida  
1057 Statutes, is reenacted to read:

1058 456.025 Fees; receipts; disposition.—

1059 (11) The department or the appropriate board shall charge a  
1060 fee not to exceed \$25 for the certification of a public record.  
1061 The fee shall be determined by rule of the department. The  
1062 department or the appropriate board shall assess a fee for  
1063 duplicating a public record as provided in s. 119.07(4).

1064 Section 27. For the purpose of incorporating the amendment  
1065 made by this act to section 119.07, Florida Statutes, in a  
1066 reference thereto, paragraph (c) of subsection (1) of section  
1067 458.3193, Florida Statutes, is reenacted to read:

1068 458.3193 Confidentiality of certain information contained  
1069 in physician workforce surveys.—

1070 (1) All personal identifying information contained in  
1071 records provided by physicians licensed under this chapter or  
1072 chapter 459 in response to physician workforce surveys required  
1073 as a condition of license renewal and held by the Department of

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1074 Health is confidential and exempt from s. 119.07(1) and s.  
1075 24(a), Art. I of the State Constitution, except as otherwise  
1076 provided in this subsection. Information made confidential and  
1077 exempt by this subsection shall be disclosed:

1078 (c) To a research entity, if the entity seeks the records  
1079 or data pursuant to a research protocol approved by the  
1080 Department of Health, maintains the records or data in  
1081 accordance with the approved protocol, and enters into a  
1082 purchase and data-use agreement with the department, the fee  
1083 provisions of which are consistent with s. 119.07(4). The  
1084 department may deny a request for records or data if the  
1085 protocol provides for intrusive follow-back contacts, does not  
1086 plan for the destruction of confidential records after the  
1087 research is concluded, is administratively burdensome, or does  
1088 not have scientific merit. The agreement must restrict the  
1089 release of information that would identify individuals, must  
1090 limit the use of records or data to the approved research  
1091 protocol, and must prohibit any other use of the records or  
1092 data. Copies of records or data issued pursuant to this  
1093 paragraph remain the property of the department.

1094 Section 28. For the purpose of incorporating the amendment  
1095 made by this act to section 119.07, Florida Statutes, in a  
1096 reference thereto, paragraph (c) of subsection (1) of section  
1097 459.0083, Florida Statutes, is reenacted to read:

1098 459.0083 Confidentiality of certain information contained  
1099 in physician workforce surveys.—

1100 (1) All personal identifying information contained in  
1101 records provided by physicians licensed under chapter 458 or  
1102 this chapter in response to physician workforce surveys required

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1103 as a condition of license renewal and held by the Department of  
1104 Health is confidential and exempt from s. 119.07(1) and s.  
1105 24(a), Art. I of the State Constitution, except as otherwise  
1106 provided in this subsection. Information made confidential and  
1107 exempt by this subsection shall be disclosed:

1108 (c) To a research entity, if the entity seeks the records  
1109 or data pursuant to a research protocol approved by the  
1110 Department of Health, maintains the records or data in  
1111 accordance with the approved protocol, and enters into a  
1112 purchase and data-use agreement with the department, the fee  
1113 provisions of which are consistent with s. 119.07(4). The  
1114 department may deny a request for records or data if the  
1115 protocol provides for intrusive follow-back contacts, does not  
1116 plan for the destruction of confidential records after the  
1117 research is concluded, is administratively burdensome, or does  
1118 not have scientific merit. The agreement must restrict the  
1119 release of information that would identify individuals, must  
1120 limit the use of records or data to the approved research  
1121 protocol, and must prohibit any other use of the records or  
1122 data. Copies of records or data issued pursuant to this  
1123 paragraph remain the property of the department.

1124 Section 29. For the purpose of incorporating the amendment  
1125 made by this act to section 119.07, Florida Statutes, in a  
1126 reference thereto, subsection (16) of section 472.011, Florida  
1127 Statutes, is reenacted to read:

1128 472.011 Fees.—

1129 (16) The department or the board shall charge a fee not to  
1130 exceed \$25 for the certification of a public record. The fee  
1131 shall be determined by rule of the department. The department or

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1132 the appropriate board shall assess a fee for duplication of a  
1133 public record as provided in s. 119.07(4).

1134 Section 30. For the purpose of incorporating the amendment  
1135 made by this act to section 119.07, Florida Statutes, in a  
1136 reference thereto, paragraph (e) of subsection (2) of section  
1137 1012.31, Florida Statutes, is reenacted to read:

1138 1012.31 Personnel files.—Public school system employee  
1139 personnel files shall be maintained according to the following  
1140 provisions:

1141 (2)

1142 (e) Upon request, an employee, or any person designated in  
1143 writing by the employee, shall be permitted to examine the  
1144 personnel file of such employee. The employee shall be permitted  
1145 conveniently to reproduce any materials in the file, at a cost  
1146 no greater than the fees prescribed in s. 119.07(4).

1147 Section 31. For the purpose of incorporating the amendment  
1148 made by this act to section 119.071, Florida Statutes, in a  
1149 reference thereto, subsection (5) of section 17.076, Florida  
1150 Statutes, is reenacted to read

1151 17.076 Direct deposit of funds.—

1152 (5) All direct deposit records made prior to October 1,  
1153 1986, are exempt from the provisions of s. 119.07(1). With  
1154 respect to direct deposit records made on or after October 1,  
1155 1986, the names of the authorized financial institutions and the  
1156 account numbers of the beneficiaries are confidential and exempt  
1157 from the provisions of s. 119.07(1) and s. 24(a), Art. I of the  
1158 State Constitution. Notwithstanding this exemption and the  
1159 provisions of s. 119.071(5)(b), the department may provide a  
1160 state university, upon request, with that university's employee



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1161 or vendor direct deposit authorization information on file with  
1162 the department in order to accommodate the transition to the  
1163 university accounting system. The state university shall  
1164 maintain the confidentiality of all such information provided by  
1165 the department.

1166 Section 32. For the purpose of incorporating the amendment  
1167 made by this act to section 119.071, Florida Statutes, in a  
1168 reference thereto, section 119.0714, Florida Statutes, is  
1169 reenacted to read:

1170 (1) COURT FILES.—Nothing in this chapter shall be construed  
1171 to exempt from s. 119.07(1) a public record that was made a part  
1172 of a court file and that is not specifically closed by order of  
1173 court, except:

1174 (a) A public record that was prepared by an agency attorney  
1175 or prepared at the attorney's express direction as provided in  
1176 s. 119.071(1)(d).

1177 (b) Data processing software as provided in s.  
1178 119.071(1)(f).

1179 (c) Any information revealing surveillance techniques or  
1180 procedures or personnel as provided in s. 119.071(2)(d).

1181 (d) Any comprehensive inventory of state and local law  
1182 enforcement resources, and any comprehensive policies or plans  
1183 compiled by a criminal justice agency, as provided in s.  
1184 119.071(2)(d).

1185 (e) Any information revealing the substance of a confession  
1186 of a person arrested as provided in s. 119.071(2)(e).

1187 (f) Any information revealing the identity of a  
1188 confidential informant or confidential source as provided in s.  
1189 119.071(2)(f).

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1190 (g) Any information revealing undercover personnel of any  
1191 criminal justice agency as provided in s. 119.071(4)(c).

1192 (h) Criminal intelligence information or criminal  
1193 investigative information that is confidential and exempt as  
1194 provided in s. 119.071(2)(h).

1195 (i) Social security numbers as provided in s.  
1196 119.071(5)(a).

1197 (j) Bank account numbers and debit, charge, and credit card  
1198 numbers as provided in s. 119.071(5)(b).

1199 (2) COURT RECORDS.—

1200 (a) Until January 1, 2011, if a social security number or a  
1201 bank account, debit, charge, or credit card number is included  
1202 in a court file, such number may be included as part of the  
1203 court record available for public inspection and copying unless  
1204 redaction is requested by the holder of such number or by the  
1205 holder's attorney or legal guardian.

1206 (b) A request for redaction must be a signed, legibly  
1207 written request specifying the case name, case number, document  
1208 heading, and page number. The request must be delivered by mail,  
1209 facsimile, electronic transmission, or in person to the clerk of  
1210 the court. The clerk of the court does not have a duty to  
1211 inquire beyond the written request to verify the identity of a  
1212 person requesting redaction.

1213 (c) A fee may not be charged for the redaction of a social  
1214 security number or a bank account, debit, charge, or credit card  
1215 number pursuant to such request.

1216 (d) The clerk of the court has no liability for the  
1217 inadvertent release of social security numbers, or bank account,  
1218 debit, charge, or credit card numbers, unknown to the clerk of

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1219 the court in court records filed on or before January 1, 2011.

1220 (e)1. On January 1, 2011, and thereafter, the clerk of the  
1221 court must keep social security numbers confidential and exempt  
1222 as provided for in s. 119.071(5) (a), and bank account, debit,  
1223 charge, and credit card numbers exempt as provided for in s.  
1224 119.071(5) (b), without any person having to request redaction.

1225 2. Section 119.071(5) (a)7. and 8. does not apply to the  
1226 clerks of the court with respect to court records.

1227 (3) OFFICIAL RECORDS.—

1228 (a) Any person who prepares or files a record for recording  
1229 in the official records as provided in chapter 28 may not  
1230 include in that record a social security number or a bank  
1231 account, debit, charge, or credit card number unless otherwise  
1232 expressly required by law.

1233 (b)1. If a social security number or a bank account, debit,  
1234 charge, or credit card number is included in an official record,  
1235 such number may be made available as part of the official  
1236 records available for public inspection and copying unless  
1237 redaction is requested by the holder of such number or by the  
1238 holder's attorney or legal guardian.

1239 2. If such record is in electronic format, on January 1,  
1240 2011, and thereafter, the county recorder must use his or her  
1241 best effort, as provided in paragraph (h), to keep social  
1242 security numbers confidential and exempt as provided for in s.  
1243 119.071(5) (a), and to keep complete bank account, debit, charge,  
1244 and credit card numbers exempt as provided for in s.  
1245 119.071(5) (b), without any person having to request redaction.

1246 3. Section 119.071(5) (a)7. and 8. does not apply to the  
1247 county recorder with respect to official records.

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1248 (c) The holder of a social security number or a bank  
1249 account, debit, charge, or credit card number, or the holder's  
1250 attorney or legal guardian, may request that a county recorder  
1251 redact from an image or copy of an official record placed on a  
1252 county recorder's publicly available Internet website or on a  
1253 publicly available Internet website used by a county recorder to  
1254 display public records, or otherwise made electronically  
1255 available to the public, his or her social security number or  
1256 bank account, debit, charge, or credit card number contained in  
1257 that official record.

1258 (d) A request for redaction must be a signed, legibly  
1259 written request and must be delivered by mail, facsimile,  
1260 electronic transmission, or in person to the county recorder.  
1261 The request must specify the identification page number of the  
1262 record that contains the number to be redacted.

1263 (e) The county recorder does not have a duty to inquire  
1264 beyond the written request to verify the identity of a person  
1265 requesting redaction.

1266 (f) A fee may not be charged for redacting a social  
1267 security number or a bank account, debit, charge, or credit card  
1268 number.

1269 (g) A county recorder shall immediately and conspicuously  
1270 post signs throughout his or her offices for public viewing, and  
1271 shall immediately and conspicuously post on any Internet website  
1272 or remote electronic site made available by the county recorder  
1273 and used for the ordering or display of official records or  
1274 images or copies of official records, a notice stating, in  
1275 substantially similar form, the following:

1276 1. On or after October 1, 2002, any person preparing or

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1277 filing a record for recordation in the official records may not  
1278 include a social security number or a bank account, debit,  
1279 charge, or credit card number in such document unless required  
1280 by law.

1281         2. Any person has a right to request a county recorder to  
1282 remove from an image or copy of an official record placed on a  
1283 county recorder's publicly available Internet website or on a  
1284 publicly available Internet website used by a county recorder to  
1285 display public records, or otherwise made electronically  
1286 available to the general public, any social security number  
1287 contained in an official record. Such request must be made in  
1288 writing and delivered by mail, facsimile, or electronic  
1289 transmission, or delivered in person, to the county recorder.  
1290 The request must specify the identification page number that  
1291 contains the social security number to be redacted. A fee may  
1292 not be charged for the redaction of a social security number  
1293 pursuant to such a request.

1294         (h) If the county recorder accepts or stores official  
1295 records in an electronic format, the county recorder must use  
1296 his or her best efforts to redact all social security numbers  
1297 and bank account, debit, charge, or credit card numbers from  
1298 electronic copies of the official record. The use of an  
1299 automated program for redaction shall be deemed to be the best  
1300 effort in performing the redaction and shall be deemed in  
1301 compliance with the requirements of this subsection.

1302         (i) The county recorder is not liable for the inadvertent  
1303 release of social security numbers, or bank account, debit,  
1304 charge, or credit card numbers, filed with the county recorder.

1305         Section 33. For the purpose of incorporating the amendment

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1306 made by this act to section 119.071, Florida Statutes, in a  
1307 reference thereto, paragraph (b) of subsection (8) of section  
1308 1007.35, Florida Statutes, is reenacted to read:

1309       1007.35 Florida Partnership for Minority and  
1310 Underrepresented Student Achievement.—

1311       (8)

1312       (b) The department shall contribute to the evaluation  
1313 process by providing access, consistent with s. 119.071(5)(a),  
1314 to student and teacher information necessary to match against  
1315 databases containing teacher professional development data and  
1316 databases containing assessment data for the PSAT/NMSQT, SAT,  
1317 AP, and other appropriate measures. The department shall also  
1318 provide student-level data on student progress from middle  
1319 school through high school and into college and the workforce,  
1320 if available, in order to support longitudinal studies. The  
1321 partnership shall analyze and report student performance data in  
1322 a manner that protects the rights of students and parents as  
1323 required in 20 U.S.C. s. 1232g and s. 1002.22.

1324       Section 34. Paragraph (a) of subsection (2) of section  
1325 11.0431, Florida Statutes, is amended to read:

1326       11.0431 Legislative records; intent of legislation;  
1327 exemption from public disclosure.—

1328       (2) The following public records are exempt from inspection  
1329 and copying:

1330       (a) Records, or information contained therein, held by the  
1331 legislative branch of government which, if held by an agency as  
1332 defined in s. 119.003 ~~s. 119.011~~, or any other unit of  
1333 government, would be confidential or exempt from the provisions  
1334 of s. 119.07(1), or otherwise exempt from public disclosure, and

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1335 records or information of the same type held by the Legislature.

1336 Section 35. Subsection (2) of section 28.001, Florida  
 1337 Statutes, is amended to read:

1338 28.001 Definitions.—As used in this chapter:

1339 (2) "Public records" has the same meaning as in s. 119.003  
 1340 ~~s. 119.011~~ and includes each official record.

1341 Section 36. Paragraph (e) of subsection (12) of section  
 1342 28.24, Florida Statutes, is amended to read:

1343 28.24 Service charges by clerk of the circuit court.—The  
 1344 clerk of the circuit court shall charge for services rendered by  
 1345 the clerk's office in recording documents and instruments and in  
 1346 performing the duties enumerated in amounts not to exceed those  
 1347 specified in this section. Notwithstanding any other provision  
 1348 of this section, the clerk of the circuit court shall provide  
 1349 without charge to the state attorney, public defender, guardian  
 1350 ad litem, public guardian, attorney ad litem, criminal conflict  
 1351 and civil regional counsel, and private court-appointed counsel  
 1352 paid by the state, and to the authorized staff acting on behalf  
 1353 of each, access to and a copy of any public record, if the  
 1354 requesting party is entitled by law to view the exempt or  
 1355 confidential record, as maintained by and in the custody of the  
 1356 clerk of the circuit court as provided in general law and the  
 1357 Florida Rules of Judicial Administration. The clerk of the  
 1358 circuit court may provide the requested public record in an  
 1359 electronic format in lieu of a paper format when capable of  
 1360 being accessed by the requesting entity.

1361  
 1362 Charges

1363

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1364 (12) For recording, indexing, and filing any instrument not  
1365 more than 14 inches by 8 1/2 inches, including required notice  
1366 to property appraiser where applicable:

1367 (e) An additional service charge of \$4 per page shall be  
1368 paid to the clerk of the circuit court for each instrument  
1369 listed in s. 28.222, except judgments received from the courts  
1370 and notices of lis pendens, recorded in the official records.  
1371 From the additional \$4 service charge collected:

1372 1. If the counties maintain legal responsibility for the  
1373 costs of the court-related technology needs as defined in s.  
1374 29.008(1)(f)2. and (h), 10 cents shall be distributed to the  
1375 Florida Association of Court Clerks and Comptroller, Inc., for  
1376 the cost of development, implementation, operation, and  
1377 maintenance of the clerks' Comprehensive Case Information  
1378 System, in which system all clerks shall participate on or  
1379 before January 1, 2006; \$1.90 shall be retained by the clerk to  
1380 be deposited in the Public Records Modernization Trust Fund and  
1381 used exclusively for funding court-related technology needs of  
1382 the clerk as defined in s. 29.008(1)(f)2. and (h); and \$2 shall  
1383 be distributed to the board of county commissioners to be used  
1384 exclusively to fund court-related technology, and court  
1385 technology needs as defined in s. 29.008(1)(f)2. and (h) for the  
1386 state trial courts, state attorney, public defender, and  
1387 criminal conflict and civil regional counsel in that county. If  
1388 the counties maintain legal responsibility for the costs of the  
1389 court-related technology needs as defined in s. 29.008(1)(f)2.  
1390 and (h), notwithstanding any other provision of law, the county  
1391 is not required to provide additional funding beyond that  
1392 provided herein for the court-related technology needs of the



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1393 clerk as defined in s. 29.008(1)(f)2. and (h). All court records  
1394 and official records are the property of the State of Florida,  
1395 including any records generated as part of the Comprehensive  
1396 Case Information System funded pursuant to this paragraph and  
1397 the clerk of court is designated as the custodian of such  
1398 records, except in a county where the duty of maintaining  
1399 official records exists in a county office other than the clerk  
1400 of court or comptroller, such county office is designated the  
1401 custodian of all official records, and the clerk of court is  
1402 designated the custodian of all court records. The clerk of  
1403 court or any entity acting on behalf of the clerk of court,  
1404 including an association, shall not charge a fee to any agency  
1405 as defined in s. 119.003 ~~s. 119.011~~, the Legislature, or the  
1406 State Court System for copies of records generated by the  
1407 Comprehensive Case Information System or held by the clerk of  
1408 court or any entity acting on behalf of the clerk of court,  
1409 including an association.

1410 2. If the state becomes legally responsible for the costs of  
1411 court-related technology needs as defined in s. 29.008(1)(f)2.  
1412 and (h), whether by operation of general law or by court order,  
1413 \$4 shall be remitted to the Department of Revenue for deposit  
1414 into the General Revenue Fund.

1415 Section 37. Subsection (2) of section 73.0155, Florida  
1416 Statutes, is amended to read:

1417 73.0155 Confidentiality; business information provided to a  
1418 governmental condemning authority.—

1419 (2) An agency as defined in s. 119.003 ~~s. 119.011~~ may  
1420 inspect and copy the confidential and exempt business  
1421 information exclusively for the transaction of official business

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1422 by, or on behalf of, an agency.

1423 Section 38. Subsection (1) of section 97.0585, Florida  
1424 Statutes, is amended to read:

1425 97.0585 Public records exemption; information regarding  
1426 voters and voter registration; confidentiality.-

1427 (1) The following information concerning voters and voter  
1428 registration held by an agency as defined in s. 119.003 ~~s.~~  
1429 ~~119.011~~ is confidential and exempt from s. 119.07(1) and s.  
1430 24(a), Art. I of the State Constitution and may be used only for  
1431 purposes of voter registration:

1432 (a) All declinations to register to vote made pursuant to  
1433 ss. 97.057 and 97.058.

1434 (b) Information relating to the place where a person  
1435 registered to vote or where a person updated a voter  
1436 registration.

1437 (c) The social security number, driver's license number,  
1438 and Florida identification number of a voter registration  
1439 applicant or voter.

1440 Section 39. Paragraph (c) of subsection (2) of section  
1441 112.3188, Florida Statutes, is amended to read:

1442 112.3188 Confidentiality of information given to the Chief  
1443 Inspector General, internal auditors, inspectors general, local  
1444 chief executive officers, or other appropriate local officials.-

1445 (2)

1446 (c) Information deemed confidential under this section may  
1447 be disclosed by the Chief Inspector General, agency inspector  
1448 general, local chief executive officer, or other appropriate  
1449 local official receiving the information if the recipient  
1450 determines that the disclosure of the information is absolutely

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1451 necessary to prevent a substantial and specific danger to the  
1452 public's health, safety, or welfare or to prevent the imminent  
1453 commission of a crime. Information disclosed under this  
1454 subsection may be disclosed only to persons who are in a  
1455 position to prevent the danger to the public's health, safety,  
1456 or welfare or to prevent the imminent commission of a crime  
1457 based on the disclosed information.

1458 1. An investigation is active under this section if:

1459 a. It is an ongoing investigation or inquiry or collection  
1460 of information and evidence and is continuing with a reasonable,  
1461 good faith anticipation of resolution in the foreseeable future;  
1462 or

1463 b. All or a portion of the matters under investigation or  
1464 inquiry are active criminal intelligence information or active  
1465 criminal investigative information as defined in s. 119.003 ~~s.~~  
1466 ~~119.011~~.

1467 2. Notwithstanding sub-subparagraph 1.a., an investigation  
1468 ceases to be active when:

1469 a. The written report required under s. 112.3189(9) has  
1470 been sent by the Chief Inspector General to the recipients named  
1471 in s. 112.3189(9);

1472 b. It is determined that an investigation is not necessary  
1473 under s. 112.3189(5); or

1474 c. A final decision has been rendered by the local  
1475 government or by the Division of Administrative Hearings  
1476 pursuant to s. 112.3187(8) (b).

1477 3. Notwithstanding paragraphs (a), (b), and this paragraph,  
1478 information or records received or produced under this section  
1479 which are otherwise confidential under law or exempt from

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1480 disclosure under chapter 119 retain their confidentiality or  
1481 exemption.

1482 4. Any person who willfully and knowingly discloses  
1483 information or records made confidential under this subsection  
1484 commits a misdemeanor of the first degree, punishable as  
1485 provided in s. 775.082 or s. 775.083.

1486 Section 40. Section 163.61, Florida Statutes, is amended to  
1487 read:

1488 163.61 "Agency" defined.—For the purposes of ss. 163.61-  
1489 163.65, the word "agency" has the meaning ascribed in s. 119.003  
1490 ~~s. 119.011~~.

1491 Section 41. Subsection (1) of section 257.34, Florida  
1492 Statutes, is amended to read:

1493 257.34 Florida International Archive and Repository.—

1494 (1) There is created within the Division of Library and  
1495 Information Services of the Department of State the Florida  
1496 International Archive and Repository for the preservation of  
1497 those public records, as defined in s. 119.003 ~~s. 119.011~~,  
1498 manuscripts, international judgments involving disputes between  
1499 domestic and foreign businesses, and all other public matters  
1500 that the department or the Florida Council of International  
1501 Development deems relevant to international issues. It is the  
1502 duty and responsibility of the division to:

1503 (a) Organize and administer the Florida International  
1504 Archive and Repository.

1505 (b) Preserve and administer records that are transferred to  
1506 its custody; accept, arrange, and preserve them, according to  
1507 approved archival and repository practices; and permit them, at  
1508 reasonable times and under the supervision of the division, to

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1509 be inspected and copied. All public records transferred to the  
1510 custody of the division are subject to the provisions of s.  
1511 119.07(1).

1512 (c) Assist the records and information management program  
1513 in the determination of retention values for records.

1514 (d) Cooperate with and assist, insofar as practicable,  
1515 state institutions, departments, agencies, counties,  
1516 municipalities, and individuals engaged in internationally  
1517 related activities.

1518 (e) Provide a public research room where, under rules  
1519 established by the division, the materials in the international  
1520 archive and repository may be studied.

1521 (f) Conduct, promote, and encourage research in  
1522 international trade, government, and culture and maintain a  
1523 program of information, assistance, coordination, and guidance  
1524 for public officials, educational institutions, libraries, the  
1525 scholarly community, and the general public engaged in such  
1526 research.

1527 (g) Cooperate with and, insofar as practicable, assist  
1528 agencies, libraries, institutions, and individuals in projects  
1529 concerned with internationally related issues and preserve  
1530 original materials relating to internationally related issues.

1531 (h) Assist and cooperate with the records and information  
1532 management program in the training and information program  
1533 described in s. 257.36(1)(g).

1534 Section 42. Subsection (1) of section 257.35, Florida  
1535 Statutes, is amended to read:

1536 257.35 Florida State Archives.—

1537 (1) There is created within the Division of Library and

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1538 Information Services of the Department of State the Florida  
1539 State Archives for the preservation of those public records, as  
1540 defined in s. 119.003(16) ~~s. 119.011(12)~~, manuscripts, and other  
1541 archival material that have been determined by the division to  
1542 have sufficient historical or other value to warrant their  
1543 continued preservation and have been accepted by the division  
1544 for deposit in its custody. It is the duty and responsibility of  
1545 the division to:

1546 (a) Organize and administer the Florida State Archives.

1547 (b) Preserve and administer such records as shall be  
1548 transferred to its custody; accept, arrange, and preserve them,  
1549 according to approved archival practices; and permit them, at  
1550 reasonable times and under the supervision of the division, to  
1551 be inspected and copied.

1552 (c) Assist the records and information management program  
1553 in the determination of retention values for records.

1554 (d) Cooperate with and assist insofar as practicable state  
1555 institutions, departments, agencies, counties, municipalities,  
1556 and individuals engaged in activities in the field of state  
1557 archives, manuscripts, and history and accept from any person  
1558 any paper, book, record, or similar material which in the  
1559 judgment of the division warrants preservation in the state  
1560 archives.

1561 (e) Provide a public research room where, under rules  
1562 established by the division, the materials in the state archives  
1563 may be studied.

1564 (f) Conduct, promote, and encourage research in Florida  
1565 history, government, and culture and maintain a program of  
1566 information, assistance, coordination, and guidance for public

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1567 officials, educational institutions, libraries, the scholarly  
1568 community, and the general public engaged in such research.

1569 (g) Cooperate with and, insofar as practicable, assist  
1570 agencies, libraries, institutions, and individuals in projects  
1571 designed to preserve original source materials relating to  
1572 Florida history, government, and culture and prepare and publish  
1573 handbooks, guides, indexes, and other literature directed toward  
1574 encouraging the preservation and use of the state's documentary  
1575 resources.

1576 (h) Encourage and initiate efforts to preserve, collect,  
1577 process, transcribe, index, and research the oral history of  
1578 Florida government.

1579 (i) Assist and cooperate with the records and information  
1580 management program in the training and information program  
1581 described in s. 257.36(1)(g).

1582 Section 43. Section 281.301, Florida Statutes, is amended  
1583 to read:

1584 281.301 Security systems; records and meetings exempt from  
1585 public access or disclosure.—Information relating to the  
1586 security systems for any property owned by or leased to the  
1587 state or any of its political subdivisions, and information  
1588 relating to the security systems for any privately owned or  
1589 leased property which is in the possession of any agency as  
1590 defined in s. 119.003(2) ~~s. 119.011(2)~~, including all records,  
1591 information, photographs, audio and visual presentations,  
1592 schematic diagrams, surveys, recommendations, or consultations  
1593 or portions thereof relating directly to or revealing such  
1594 systems or information, and all meetings relating directly to or  
1595 that would reveal such systems or information are confidential

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1596 and exempt from ss. 119.07(1) and 119.20 ~~286.011~~ and other laws  
1597 and rules requiring public access or disclosure.

1598 Section 44. Paragraph (a) of subsection (3) of section  
1599 364.107, Florida Statutes, is amended to read:

1600 364.107 Public records exemption; Lifeline Assistance Plan  
1601 participants.—

1602 (3) (a) An officer or employee of a telecommunications  
1603 carrier shall not intentionally disclose information made  
1604 confidential and exempt under subsection (1), except as:

- 1605 1. Authorized by the customer;
- 1606 2. Necessary for billing purposes;
- 1607 3. Required by subpoena, court order, or other process of  
1608 court;
- 1609 4. Necessary to disclose to an agency as defined in s.  
1610 119.003 ~~s. 119.011~~ or a governmental entity for purposes  
1611 directly connected with implementing service for, or verifying  
1612 eligibility of, a participant in a Lifeline Assistance Plan or  
1613 auditing a Lifeline Assistance Plan; or
- 1614 5. Otherwise authorized by law.

1615 Section 45. Paragraph (d) of subsection (2) and subsection  
1616 (5) of section 382.0085, Florida Statutes, are amended to read:  
1617 382.0085 Stillbirth registration.—

1618 (2) The person who is required to file a fetal death  
1619 certificate under this chapter shall advise the parent of a  
1620 stillborn child:

1621 (d) That a copy of the original certificate of birth  
1622 resulting in stillbirth is a document that is available as a  
1623 public record when held by an agency as defined under s.  
1624 119.003(2) ~~s. 119.011(2)~~.



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1625 (5) A certificate of birth resulting in stillbirth shall be  
1626 a public record when held by an agency as defined under s.  
1627 119.003(2) ~~s. 119.011(2)~~. The Office of Vital Statistics must  
1628 inform any parent who requests a certificate of birth resulting  
1629 in stillbirth that a copy of the document is available as a  
1630 public record.

1631 Section 46. Subsection (9) of section 383.402, Florida  
1632 Statutes, is amended to read:

1633 383.402 Child abuse death review; State Child Abuse Death  
1634 Review Committee; local child abuse death review committees.—

1635 (9) The State Child Abuse Death Review Committee or a local  
1636 committee shall have access to all information of a law  
1637 enforcement agency which is not the subject of an active  
1638 investigation and which pertains to the review of the death of a  
1639 child. A committee may not disclose any information that is not  
1640 subject to public disclosure by the law enforcement agency, and  
1641 active criminal intelligence information or criminal  
1642 investigative information, as defined in s. 119.003(6) ~~s.~~  
1643 ~~119.011(3)~~, may not be made available for review or access under  
1644 this section.

1645 Section 47. Subsection (9) of section 550.0251, Florida  
1646 Statutes, is amended to read:

1647 550.0251 The powers and duties of the Division of Pari-  
1648 mutuel Wagering of the Department of Business and Professional  
1649 Regulation.—The division shall administer this chapter and  
1650 regulate the pari-mutuel industry under this chapter and the  
1651 rules adopted pursuant thereto, and:

1652 (9) The division may conduct investigations in enforcing  
1653 this chapter, except that all information obtained pursuant to

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1654 an investigation by the division for an alleged violation of  
1655 this chapter or rules of the division is exempt from s.  
1656 119.07(1) and from s. 24(a), Art. I of the State Constitution  
1657 until an administrative complaint is issued or the investigation  
1658 is closed or ceases to be active. This subsection does not  
1659 prohibit the division from providing such information to any law  
1660 enforcement agency or to any other regulatory agency. For the  
1661 purposes of this subsection, an investigation is considered to  
1662 be active while it is being conducted with reasonable dispatch  
1663 and with a reasonable, good faith belief that it could lead to  
1664 an administrative, civil, or criminal action by the division or  
1665 another administrative or law enforcement agency. Except for  
1666 active criminal intelligence or criminal investigative  
1667 information, as defined in s. 119.003 ~~s. 119.011~~, and any other  
1668 information that, if disclosed, would jeopardize the safety of  
1669 an individual, all information, records, and transcriptions  
1670 become public when the investigation is closed or ceases to be  
1671 active.

1672 Section 48. Subsection (6) of section 607.0505, Florida  
1673 Statutes, is amended to read:

1674 607.0505 Registered agent; duties.—

1675 (6) Information provided to, and records and transcriptions  
1676 of testimony obtained by, the Department of Legal Affairs  
1677 pursuant to this section are confidential and exempt from the  
1678 provisions of s. 119.07(1) while the investigation is active.  
1679 For purposes of this section, an investigation shall be  
1680 considered "active" while such investigation is being conducted  
1681 with a reasonable, good faith belief that it may lead to the  
1682 filing of an administrative, civil, or criminal proceeding. An

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1683 investigation does not cease to be active so long as the  
1684 department is proceeding with reasonable dispatch and there is a  
1685 good faith belief that action may be initiated by the department  
1686 or other administrative or law enforcement agency. Except for  
1687 active criminal intelligence or criminal investigative  
1688 information, as defined in s. 119.003 ~~s. 119.011~~, and  
1689 information which, if disclosed, would reveal a trade secret, as  
1690 defined in s. 688.002, or would jeopardize the safety of an  
1691 individual, all information, records, and transcriptions become  
1692 public record when the investigation is completed or ceases to  
1693 be active. The department shall not disclose confidential  
1694 information, records, or transcriptions of testimony except  
1695 pursuant to the authorization by the Attorney General in any of  
1696 the following circumstances:

1697 (a) To a law enforcement agency participating in or  
1698 conducting a civil investigation under chapter 895, or  
1699 participating in or conducting a criminal investigation.

1700 (b) In the course of filing, participating in, or  
1701 conducting a judicial proceeding instituted pursuant to this  
1702 section or chapter 895.

1703 (c) In the course of filing, participating in, or  
1704 conducting a judicial proceeding to enforce an order or judgment  
1705 entered pursuant to this section or chapter 895.

1706 (d) In the course of a criminal or civil proceeding.

1707

1708 A person or law enforcement agency which receives any  
1709 information, record, or transcription of testimony that has been  
1710 made confidential by this subsection shall maintain the  
1711 confidentiality of such material and shall not disclose such

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1712 information, record, or transcription of testimony except as  
1713 provided for herein. Any person who willfully discloses any  
1714 information, record, or transcription of testimony that has been  
1715 made confidential by this subsection, except as provided for  
1716 herein, is guilty of a misdemeanor of the first degree,  
1717 punishable as provided in s. 775.082 or s. 775.083. If any  
1718 information, record, or testimony obtained pursuant to  
1719 subsection (2) is offered in evidence in any judicial  
1720 proceeding, the court may, in its discretion, seal that portion  
1721 of the record to further the policies of confidentiality set  
1722 forth herein.

1723 Section 49. Subsection (6) of section 617.0503, Florida  
1724 Statutes, is amended to read:

1725 617.0503 Registered agent; duties; confidentiality of  
1726 investigation records.—

1727 (6) Information provided to, and records and transcriptions  
1728 of testimony obtained by, the Department of Legal Affairs  
1729 pursuant to this section are confidential and exempt from the  
1730 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
1731 Constitution while the investigation is active. For purposes of  
1732 this section, an investigation shall be considered "active"  
1733 while such investigation is being conducted with a reasonable,  
1734 good faith belief that it may lead to the filing of an  
1735 administrative, civil, or criminal proceeding. An investigation  
1736 does not cease to be active so long as the department is  
1737 proceeding with reasonable dispatch and there is a good faith  
1738 belief that action may be initiated by the department or other  
1739 administrative or law enforcement agency. Except for active  
1740 criminal intelligence or criminal investigative information, as

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1741 defined in s. 119.003 ~~s. 119.011~~, and information which, if  
1742 disclosed, would reveal a trade secret, as defined in s.  
1743 688.002, or would jeopardize the safety of an individual, all  
1744 information, records, and transcriptions become available to the  
1745 public when the investigation is completed or ceases to be  
1746 active. The department shall not disclose confidential  
1747 information, records, or transcriptions of testimony except  
1748 pursuant to authorization by the Attorney General in any of the  
1749 following circumstances:

1750 (a) To a law enforcement agency participating in or  
1751 conducting a civil investigation under chapter 895, or  
1752 participating in or conducting a criminal investigation.

1753 (b) In the course of filing, participating in, or  
1754 conducting a judicial proceeding instituted pursuant to this  
1755 section or chapter 895.

1756 (c) In the course of filing, participating in, or  
1757 conducting a judicial proceeding to enforce an order or judgment  
1758 entered pursuant to this section or chapter 895.

1759 (d) In the course of a criminal proceeding.

1760

1761 A person or law enforcement agency that receives any  
1762 information, record, or transcription of testimony that has been  
1763 made confidential by this subsection shall maintain the  
1764 confidentiality of such material and shall not disclose such  
1765 information, record, or transcription of testimony except as  
1766 provided for herein. Any person who willfully discloses any  
1767 information, record, or transcription of testimony that has been  
1768 made confidential by this subsection, except as provided for in  
1769 this subsection, commits a misdemeanor of the first degree,

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1770 punishable as provided in s. 775.082 or s. 775.083. If any  
1771 information, record, or testimony obtained pursuant to  
1772 subsection (2) is offered in evidence in any judicial  
1773 proceeding, the court may, in its discretion, seal that portion  
1774 of the record to further the policies of confidentiality set  
1775 forth in this subsection.

1776 Section 50. Subsection (3) of section 636.064, Florida  
1777 Statutes, is amended to read:

1778 636.064 Confidentiality.—

1779 (3) Any information obtained or produced by the department  
1780 or office pursuant to an examination or investigation is  
1781 confidential and exempt from the provisions of s. 119.07(1) and  
1782 s. 24(a), Art. I of the State Constitution until the examination  
1783 report has been filed pursuant to s. 624.319 or until such  
1784 investigation is completed or ceases to be active. For purposes  
1785 of this subsection, an investigation is considered "active"  
1786 while such investigation is being conducted by the department or  
1787 office with a reasonable, good faith belief that it may lead to  
1788 the filing of administrative, civil, or criminal proceedings. An  
1789 investigation does not cease to be active if the department or  
1790 office is proceeding with reasonable dispatch and there is a  
1791 good faith belief that action may be initiated by the department  
1792 or office or other administrative or law enforcement agency.  
1793 Except for active criminal intelligence or criminal  
1794 investigative information, as defined in s. 119.003 ~~s. 119.011~~;  
1795 personal financial and medical information; information that  
1796 would defame or cause unwarranted damage to the good name or  
1797 reputation of an individual; information that would impair the  
1798 safety and financial soundness of the licensee or affiliated

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1799 party; proprietary financial information; or information that  
1800 would reveal the identity of a confidential source, all  
1801 information obtained by the department or office pursuant to an  
1802 examination or investigation shall be available after the  
1803 examination report has been filed or the investigation is  
1804 completed or ceases to be active.

1805 Section 51. Paragraph (m) of subsection (2) of section  
1806 668.50, Florida Statutes, is amended to read:

1807 668.50 Uniform Electronic Transaction Act.—

1808 (2) DEFINITIONS.—As used in this section:

1809 (m) "Record" means information that is inscribed on a  
1810 tangible medium or that is stored in an electronic or other  
1811 medium and is retrievable in perceivable form, including public  
1812 records as defined in s. 119.003 ~~s. 119.011~~.

1813 Section 52. Section 668.6076, Florida Statutes, is amended  
1814 to read:

1815 668.6076 Public records status of e-mail addresses; agency  
1816 website notice.—Any agency, as defined in s. 119.003 ~~s. 119.011~~,  
1817 or legislative entity that operates a website and uses  
1818 electronic mail shall post the following statement in a  
1819 conspicuous location on its website:

1820

1821 Under Florida law, e-mail addresses are public  
1822 records. If you do not want your e-mail address  
1823 released in response to a public records request, do  
1824 not send electronic mail to this entity. Instead,  
1825 contact this office by phone or in writing.

1826 Section 53. Paragraph (c) of subsection (4) of section  
1827 741.313, Florida Statutes, is amended to read:

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1828           741.313 Unlawful action against employees seeking  
1829 protection.—

1830           (4)

1831           (c)1. A private employer must keep all information relating  
1832 to the employee's leave under this section confidential.

1833           2. An agency, as defined in s. 119.003 ~~s. 119.011~~, must  
1834 keep information relating to the employee's leave under this  
1835 section confidential and exempt from disclosure to the extent  
1836 authorized by subsection (7).

1837           Section 54. Paragraph (c) of subsection (6) of section  
1838 787.03, Florida Statutes, is amended to read:

1839           787.03 Interference with custody.—

1840           (6)

1841           (c)1. The current address and telephone number of the  
1842 person and the minor or incompetent person which are contained  
1843 in the report made to a sheriff or state attorney under  
1844 paragraph (b) are confidential and exempt from s. 119.07(1) and  
1845 s. 24(a), Art. I of the State Constitution.

1846           2. A sheriff or state attorney may allow an agency, as  
1847 defined in s. 119.003 ~~s. 119.011~~, to inspect and copy records  
1848 made confidential and exempt under this paragraph in the  
1849 furtherance of that agency's duties and responsibilities.

1850           3. This paragraph is subject to the Open Government Sunset  
1851 Review Act in accordance with s. 119.15 and is repealed on  
1852 October 2, 2011, unless reviewed and saved from repeal through  
1853 reenactment by the Legislature.

1854           Section 55. Subsection (5) of section 817.568, Florida  
1855 Statutes, is amended to read:

1856           817.568 Criminal use of personal identification



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1857 information.—

1858 (5) If an offense prohibited under this section was  
1859 facilitated or furthered by the use of a public record, as  
1860 defined in s. 119.003 ~~s. 119.011~~, the offense is reclassified to  
1861 the next higher degree as follows:

1862 (a) A misdemeanor of the first degree is reclassified as a  
1863 felony of the third degree.

1864 (b) A felony of the third degree is reclassified as a  
1865 felony of the second degree.

1866 (c) A felony of the second degree is reclassified as a  
1867 felony of the first degree.

1868  
1869 For purposes of sentencing under chapter 921 and incentive gain-  
1870 time eligibility under chapter 944, a felony offense that is  
1871 reclassified under this subsection is ranked one level above the  
1872 ranking under s. 921.0022 of the felony offense committed, and a  
1873 misdemeanor offense that is reclassified under this subsection  
1874 is ranked in level 2 of the offense severity ranking chart in s.  
1875 921.0022.

1876 Section 56. Section 817.569, Florida Statutes, is amended  
1877 to read:

1878 817.569 Criminal use of a public record or public records  
1879 information; penalties.—A person who knowingly uses any public  
1880 record, as defined in s. 119.003 ~~s. 119.011~~, or who knowingly  
1881 uses information obtainable only through such public record, to  
1882 facilitate or further the commission of:

1883 (1) A misdemeanor of the first degree, commits a  
1884 misdemeanor of the first degree, punishable as provided in s.  
1885 775.082 or s. 775.083.

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1886 (2) A felony, commits a felony of the third degree,  
1887 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1888 Section 57. Paragraphs (a) and (c) of subsection (3) of  
1889 section 893.0551, Florida Statutes, are amended to read:

1890 893.0551 Public records exemption for the prescription drug  
1891 monitoring program.—

1892 (3) The department shall disclose such confidential and  
1893 exempt information to the following entities after using a  
1894 verification process to ensure the legitimacy of that person's  
1895 or entity's request for the information:

1896 (a) The Attorney General and his or her designee when  
1897 working on Medicaid fraud cases involving prescription drugs or  
1898 when the Attorney General has initiated a review of specific  
1899 identifiers of Medicaid fraud regarding prescription drugs. The  
1900 Attorney General or his or her designee may disclose the  
1901 confidential and exempt information received from the department  
1902 to a criminal justice agency as defined in s. 119.003 ~~s. 119.011~~  
1903 as part of an active investigation that is specific to a  
1904 violation of prescription drug abuse or prescription drug  
1905 diversion law as it relates to controlled substances. The  
1906 Attorney General's Medicaid fraud investigators may not have  
1907 direct access to the department's database.

1908 (c) A law enforcement agency that has initiated an active  
1909 investigation involving a specific violation of law regarding  
1910 prescription drug abuse or diversion of prescribed controlled  
1911 substances. The law enforcement agency may disclose the  
1912 confidential and exempt information received from the department  
1913 to a criminal justice agency as defined in s. 119.003 ~~s. 119.011~~  
1914 as part of an active investigation that is specific to a

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1915 violation of prescription drug abuse or prescription drug  
 1916 diversion law as it relates to controlled substances. A law  
 1917 enforcement agency may request information from the department  
 1918 but may not have direct access to its database.

1919 Section 58. Subsection (5) of section 914.27, Florida  
 1920 Statutes, is amended to read:

1921 914.27 Confidentiality of victim and witness information.—  
 1922 (5) For the purposes of effectively implementing s. 914.25,  
 1923 any state or local law enforcement agency, state attorney, or  
 1924 the statewide prosecutor may provide written notification to an  
 1925 agency as defined in s. 119.003 ~~s. 119.011~~ or to a business  
 1926 entity operating under contract with, licensed by, or having any  
 1927 other business relationship with an agency, or providing  
 1928 services pursuant to s. 914.25, that information described in  
 1929 subsection (1) held by that agency or business is confidential  
 1930 and exempt from public disclosure. The state or local law  
 1931 enforcement agency, state attorney, or the statewide prosecutor  
 1932 providing such written notification shall also provide written  
 1933 notification to the agency or business as to when, in accordance  
 1934 with this section, identity and location information exempted  
 1935 pursuant to paragraphs (1)(a) and (b) can be made publicly  
 1936 available.

1937 Section 59. Paragraphs (a) and (b) of subsection (9) of  
 1938 section 943.031, Florida Statutes, are amended to read:

1939 943.031 Florida Violent Crime and Drug Control Council.—  
 1940 (9) CONFIDENTIALITY; EXEMPTED PORTIONS OF COUNCIL MEETINGS  
 1941 AND RECORDS.—

1942 (a) The Legislature finds that during limited portions of  
 1943 the meetings of the Florida Violent Crime and Drug Control

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1944 Council it is necessary that the council be presented with and  
1945 discuss details, information, and documents related to active  
1946 criminal investigations or matters constituting active criminal  
1947 intelligence, as those concepts are defined by s. 119.003 ~~s.~~  
1948 ~~119.011~~. These presentations and discussions are necessary for  
1949 the council to make its funding decisions as required by the  
1950 Legislature. The Legislature finds that to reveal the contents  
1951 of documents containing active criminal investigative or  
1952 intelligence information or to allow active criminal  
1953 investigative or active criminal intelligence matters to be  
1954 discussed in a meeting open to the public negatively impacts the  
1955 ability of law enforcement agencies to efficiently continue  
1956 their investigative or intelligence gathering activities. The  
1957 Legislature finds that information coming before the council  
1958 that pertains to active criminal investigations or intelligence  
1959 should remain confidential and exempt from public disclosure.  
1960 The Legislature finds that the Florida Violent Crime and Drug  
1961 Control Council may, by declaring only those portions of council  
1962 meetings in which active criminal investigative or active  
1963 criminal intelligence information is to be presented or  
1964 discussed closed to the public, assure an appropriate balance  
1965 between the policy of this state that meetings be public and the  
1966 policy of this state to facilitate efficient law enforcement  
1967 efforts.

1968 (b) The Florida Violent Crime and Drug Control Council  
1969 shall be considered a "criminal justice agency" within the  
1970 definition of s. 119.003(8) ~~s. 119.011(4)~~.

1971 Section 60. Subsection (7) of section 943.0313, Florida  
1972 Statutes, is amended to read:

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1973           943.0313 Domestic Security Oversight Council.—The  
1974 Legislature finds that there exists a need to provide executive  
1975 direction and leadership with respect to terrorism prevention,  
1976 preparation, protection, response, and recovery efforts by state  
1977 and local agencies in this state. In recognition of this need,  
1978 the Domestic Security Oversight Council is hereby created. The  
1979 council shall serve as an advisory council pursuant to s.  
1980 20.03(7) to provide guidance to the state's regional domestic  
1981 security task forces and other domestic security working groups  
1982 and to make recommendations to the Governor and the Legislature  
1983 regarding the expenditure of funds and allocation of resources  
1984 related to counter-terrorism and domestic security efforts.

1985           (7) AGENCY DESIGNATION.—For purposes of this section, the  
1986 Domestic Security Oversight Council shall be considered a  
1987 criminal justice agency within the definition of s. 119.003(8)  
1988 ~~s. 119.011(4)~~.

1989           Section 61. Paragraph (a) of subsection (1) of section  
1990 943.0314, Florida Statutes, is amended to read:

1991           943.0314 Public records and public meetings exemptions;  
1992 Domestic Security Oversight Council.—

1993           (1) (a) That portion of a meeting of the Domestic Security  
1994 Oversight Council at which the council will hear or discuss  
1995 active criminal investigative information or active criminal  
1996 intelligence information as defined in s. 119.003 ~~s. 119.011~~ is  
1997 exempt from s. 119.20 ~~s. 286.011~~ and s. 24(b), Art. I of the  
1998 State Constitution, if:

1999           1. The chair of the council announces at a public meeting  
2000 that, in connection with the performance of the council's  
2001 duties, it is necessary that active criminal investigative

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2002 information or active criminal intelligence information be  
2003 discussed.

2004 2. The chair declares the specific reasons that it is  
2005 necessary to close the meeting, or portion thereof, in a  
2006 document that is a public record and filed with the official  
2007 records of the council.

2008 3. The entire closed meeting is recorded. The recording  
2009 must include the times of commencement and termination of the  
2010 closed meeting or portion thereof, all discussion and  
2011 proceedings, and the names of the persons present. No portion of  
2012 the closed meeting shall be off the record. The recording shall  
2013 be maintained by the council.

2014 Section 62. Subsection (2) of section 943.032, Florida  
2015 Statutes, is amended to read:

2016 943.032 Financial Crime Analysis Center and Financial  
2017 Transaction Database.—

2018 (2) The department shall compile information and data  
2019 available from financial transaction reports required to be  
2020 submitted by state or federal law that are provided to the  
2021 Department of Financial Services, to the Office of Financial  
2022 Regulation of the Financial Services Commission, to the  
2023 Department of Revenue, or to which the department otherwise has  
2024 access. Information and data so received shall be utilized by  
2025 the department in the Financial Transaction Database. The  
2026 department shall implement a system utilizing the database that  
2027 allows data review and processing to reveal patterns, trends,  
2028 and correlations that are indicative of money laundering or  
2029 other financial transactions indicative of criminal activity.  
2030 The department shall, in consultation with the Department of

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2031 Financial Services, the Office of Financial Regulation of the  
2032 Financial Services Commission, and the Department of Revenue,  
2033 establish the methods and parameters by which information and  
2034 data received by such agencies are transferred to the department  
2035 for inclusion in the database. Information developed in or  
2036 through the use of the database shall be made available to law  
2037 enforcement agencies and prosecutors in this state in a manner  
2038 defined by the department and as allowed by state or federal law  
2039 or regulation. All information contained in the database shall  
2040 be considered "active criminal intelligence" or "active criminal  
2041 investigative information" as defined in s. 119.003 ~~s. 119.011~~.  
2042 Section 63. This act shall take effect October 1, 2010.