

By the Committees on Governmental Oversight and Accountability;
Judiciary; and Community Affairs; and Senators Dockery and Crist

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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 of
19 agency resources, the agency may charge a fee for the
20 agency resources incurred; providing for payment of
21 the actual cost to duplicate a public record stored in
22 an electronic format; authorizing an agency to charge
23 a fee for converting a record into an electronic
24 format; limiting the clerical cost of duplication of a
25 record to the base hourly rate of the lowest paid
26 personnel capable of providing such clerical or
27 supervisory assistance; authorizing an agency to
28 reduce or waive a fee pursuant to consistent policies;
29 prohibiting an agency from charging a fee for the

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30 costs associated with redacting information from the
31 record which the agency maintains is not subject to
32 public-records requirements; amending s. 119.071,
33 F.S.; removing the definitions for the terms "security
34 system plan," "commercial activity," and "commercial
35 entity"; creating s. 119.13, F.S.; directing the
36 Division of Library and Information Services of the
37 Department of State to adopt a rule to establish a
38 model policy for providing public access to public
39 records; amending s. 119.15, F.S.; providing that in
40 the 10th year after reenactment of a statutory
41 exemption, the exemption shall be repealed on October
42 2nd of that year, unless the Legislature acts to
43 reenact the exemption; creating s. 119.20, F.S.;
44 providing that all meetings of any board or commission
45 of any state agency or authority or of any agency or
46 authority of any county, municipal corporation, or
47 political subdivision at which official acts are to be
48 taken are declared to be public meetings that are open
49 to the public at all times; requiring that the minutes
50 of a meeting of any board or commission or any state
51 agency or authority be promptly recorded and open to
52 the public; prohibiting a person or entity subject to
53 the open-meetings requirements from holding meetings
54 at any facility or location that discriminates on the
55 basis of sex, age, race, creed, color, origin, or
56 economic status or that operates in such a manner as
57 to 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 Act;
73 creating s. 119.31, F.S.; authorizing the circuit
74 courts of this state to issue injunctions to enforce
75 the act; authorizing any person to petition the court
76 for an injunction; creating s. 119.32, F.S.; providing
77 for attorney's fees under certain circumstances;
78 repealing ss. 119.011, 119.10, 119.12, 286.011,
79 286.0113, and 286.012, F.S., relating to definitions,
80 violations and penalties of public-records
81 requirements, attorney's fees, public meetings,
82 general exemptions from public-meetings requirements,
83 and voting requirements at meetings of governmental
84 bodies, respectively; reenacting s. 27.02(2), F.S.,
85 relating to the duties of the state attorney before
86 the circuit court; reenacting s. 119.01(2)(f), F.S.,
87 relating to state policy on public records; reenacting

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88 s. 119.0712(1)(d), F.S., relating to specific
89 exemptions from inspection or copying of public
90 records for 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 of agency resources.

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 of
443 agency resources, the agency may charge an additional fee for
444 such resources incurred by the agency for the portion of a
445 request requiring more than 30 minutes agency resources.

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 review or redaction of information which is not
466 a public record.

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

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

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

488 (5) When ballots are produced under this section for
489 inspection or examination, no persons other than the supervisor
490 of elections or the supervisor's employees shall touch the
491 ballots. If the ballots are being examined before the end of the
492 contest period in s. 102.168, the supervisor of elections shall
493 make a reasonable effort to notify all candidates by telephone

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494 or otherwise of the time and place of the inspection or
495 examination. All such candidates, or their representatives,
496 shall be allowed to be present during the inspection or
497 examination.

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

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

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

519 Section 6. Paragraph (a) of subsection (3) and paragraph
520 (a) of subsection (5) of section 119.071, Florida Statutes, are
521 amended to read:

522 119.071 General exemptions from inspection or copying of

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523 public records.—

524 (3) SECURITY.—

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

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

531 ~~b. Threat assessments conducted by any agency or any~~
532 ~~private entity;~~

533 ~~c. Threat response plans;~~

534 ~~d. Emergency evacuation plans;~~

535 ~~e. Sheltering arrangements; or~~

536 ~~f. Manuals for security personnel, emergency equipment, or~~
537 ~~security training.~~

538 1.2. A security system plan or portion thereof for:

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

541 b. Any privately owned or leased property

542

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

549 2.3. Information made confidential and exempt by this
550 paragraph may be disclosed by the custodian of public records
551 to:

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552 a. The property owner or leaseholder; or
553 b. Another state or federal agency to prevent, detect,
554 guard against, respond to, investigate, or manage the
555 consequences of any attempted or actual act of terrorism, or to
556 prosecute those persons who are responsible for such attempts or
557 acts.

558 (5) OTHER PERSONAL INFORMATION.—

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

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

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

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

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

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

580 b. An agency shall identify in writing the specific federal

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

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

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

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

603 5. Social security numbers held by an agency are
604 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
605 of the State Constitution. This exemption applies to social
606 security numbers held by an agency before, on, or after the
607 effective date of this exemption. This exemption does not
608 supersede any federal law prohibiting the release of social
609 security numbers or any other applicable public records

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610 exemption for social security numbers existing prior to May 13,
611 2002, or created thereafter.

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

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

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

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

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

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

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

634 g. The disclosure of the social security number is for the
635 purpose of the administration of a pension fund administered for
636 the agency employee's retirement fund, deferred compensation
637 plan, or defined contribution plan.

638 h. The disclosure of the social security number is for the

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639 purpose of the administration of the Uniform Commercial Code by
640 the office of the Secretary of State.

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

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

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

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

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

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

667 (III) Contain the commercial entity's name, business

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668 mailing and location addresses, and business telephone number;
669 and

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

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

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

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

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

689 Section 7. Section 119.13, Florida Statutes, is created to
690 read:

691 119.13 Model public access policy.—The Division of Library
692 and Information Services of the Department of State shall adopt
693 a rule to establish a model policy for providing public access
694 to public records in accordance with this part.

695 Section 8. Section 119.15, Florida Statutes, is amended to
696 read:

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697 119.15 Legislative review of exemptions from public meeting
698 and public records requirements.-

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

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

705 (a) Is required by federal law; or

706 (b) Applies solely to the Legislature or the State Court
707 System.

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

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

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

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

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

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

723 (b) For purposes of this section, an exemption is
724 substantially amended if the amendment expands the scope of the
725 exemption to include more records or information or to include

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726 meetings as well as records. An exemption is not substantially
727 amended if the amendment narrows the scope of the exemption.

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

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

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

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

747 1. What specific records or meetings are affected by the
748 exemption?

749 2. Whom does the exemption uniquely affect, as opposed to
750 the general public?

751 3. What is the identifiable public purpose or goal of the
752 exemption?

753 4. Can the information contained in the records or
754 discussed in the meeting be readily obtained by alternative

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755 means? If so, how?

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

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

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

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

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

778 3. Protects information of a confidential nature concerning
779 entities, including, but not limited to, a formula, pattern,
780 device, combination of devices, or compilation of information
781 which is used to protect or further a business advantage over
782 those who do not know or use it, the disclosure of which
783 information would injure the affected entity in the marketplace.

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

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

799 Section 9. Section 119.20, Florida Statutes, is created to
800 read:

801 119.20 Public meetings and records; access to public
802 meetings.-

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

812 (2) The minutes of a meeting of any such board or

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813 commission of any such state agency or authority shall be
814 promptly recorded, and such records shall be open to public
815 inspection.

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

821 Section 10. Section 119.201, Florida Statutes, is created
822 to read:

823 119.201 General exemptions from public meetings.-

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

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

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

838 (c) The entire session shall be recorded by a certified
839 court reporter. The reporter shall record the times of
840 commencement and termination of the session, all discussion and
841 proceedings, the names of all persons present at any time, and

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842 the names of all persons speaking. No portion of the session
843 shall be off the record. The court reporter's notes shall be
844 fully transcribed and filed with the entity's clerk within a
845 reasonable time after the meeting.

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

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

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

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

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

867 2. The recording required under subparagraph 1. is exempt
868 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
869 until such time as the agency provides notice of a decision or
870 intended decision pursuant to s. 120.57(3)(a) or until 20 days

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871 after the final competitive sealed replies are all opened,
872 whichever occurs earlier.

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

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

885 Section 11. Section 119.202, Florida Statutes, is created
886 to read:

887 119.202 Voting requirement at meetings of governmental
888 bodies.—A member of any state, county, or municipal governmental
889 board, commission, or agency who is present at any meeting of
890 any such body at which an official decision, ruling, or other
891 official act is to be taken or adopted may not abstain from
892 voting in regard to any such decision, ruling, or act; and a
893 vote shall be recorded or counted for each such member present,
894 except when, with respect to any such member, there is, or
895 appears to be, a possible conflict of interest under the
896 provisions of s. 112.311, s. 112.313, or s. 112.3143. In such
897 case, the member shall comply with the disclosure requirements
898 of s. 112.3143.

899 Section 12. Section 119.30, Florida Statutes, is created to

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900 read:

901 119.30 Violation of chapter; penalties.-902 (1) A violation of any law that relates to access to public
903 records or meetings shall be considered a violation of this
904 chapter.905 (2) A person who violates any of the provisions of this
906 chapter commits a noncriminal infraction, punishable by a fine
907 not exceeding \$500.908 (3) A person who willfully and knowingly violates any of
909 the provisions of this chapter commits a misdemeanor of the
910 first degree, punishable as provided in s. 775.082 or s.
911 775.083.912 (4) Conduct that occurs outside the state and that would
913 constitute a knowing violation of this chapter is a misdemeanor
914 of the first degree, punishable as provided in s. 775.082 or s.
915 775.083.916 (5) If a court determines that an agency has:917 (a) Violated s. 119.07(1) or s. 119.20;918 (b) Shown intentional disregard for the public's
919 constitutional right of access as guaranteed by s. 24, Art. I of
920 the State Constitution; or921 (c) Exhibited a pattern of abuse of the requirements of
922 this chapter,923
924 the court may assess a penalty against the agency equal to twice
925 the amount awarded pursuant to this section.926 Section 13. Section 119.31, Florida Statutes, is created to
927 read:928 119.31 Injunctions.-The circuit courts of this state have

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929 jurisdiction to issue injunctions to enforce this chapter upon
930 application by any person.

931 Section 14. Section 119.32, Florida Statutes, is created to
932 read:

933 119.32 Attorney's fees.-

934 (1) Whenever an action has been filed against any board or
935 commission of any state agency or authority or any agency or
936 authority of any county, municipal corporation, or political
937 subdivision to enforce this section or to invalidate the actions
938 of any such board, commission, agency, or authority, which
939 action was taken in violation of this section, and the court
940 determines that the defendant or defendants to such action acted
941 in violation of this section, the court shall assess a
942 reasonable attorney's fee against such agency, and may assess a
943 reasonable attorney's fee against the individual filing such an
944 action if the court finds it was filed in bad faith or was
945 frivolous. Any fees so assessed may be assessed against the
946 individual member or members of such board or commission;
947 provided, that in any case where the board or commission seeks
948 the advice of its attorney and such advice is followed, no such
949 fees shall be assessed against the individual member or members
950 of the board or commission. However, this subsection does not
951 apply to a state attorney or his or her duly authorized
952 assistants or any officer charged with enforcing the provisions
953 of this section.

954 (2) Whenever any board or commission of any state agency or
955 authority or any agency or authority of any county, municipal
956 corporation, or political subdivision appeals any court order
957 which has found the board, commission, agency, or authority to

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958 have violated this section, and such order is affirmed, the
959 court shall assess a reasonable attorney's fee for the appeal
960 against such board, commission, agency, or authority. Any fees
961 so assessed may be assessed against the individual member or
962 members of such board or commission; provided, that in any case
963 where the board or commission seeks the advice of its attorney
964 and such advice is followed, no such fees shall be assessed
965 against the individual member or members of the board or
966 commission.

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

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

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

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

971 Section 19. Section 286.0113, Florida Statutes, is
972 repealed.

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

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

978 27.02 Duties before court.—

979 (2) The state attorney, when complying with the discovery
980 obligation pursuant to the applicable rule of procedure, may
981 charge the defendant fees as provided for in s. 119.07(4), not
982 to exceed 15 cents per page for a copy of a noncertified copy of
983 a public record. However, these fees may be deferred if the
984 defendant has been determined to be indigent as provided in s.
985 27.52.

986 Section 22. For the purpose of incorporating the amendment

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987 made by this act to section 119.07, Florida Statutes, in a
988 reference thereto, paragraph (f) of subsection (2) of section
989 119.01, Florida Statutes, is reenacted to read:

990 119.01 General state policy on public records.—

991 (2)

992 (f) Each agency that maintains a public record in an
993 electronic recordkeeping system shall provide to any person,
994 pursuant to this chapter, a copy of any public record in that
995 system which is not exempted by law from public disclosure. An
996 agency must provide a copy of the record in the medium requested
997 if the agency maintains the record in that medium, and the
998 agency may charge a fee in accordance with this chapter. For the
999 purpose of satisfying a public records request, the fee to be
1000 charged by an agency if it elects to provide a copy of a public
1001 record in a medium not routinely used by the agency, or if it
1002 elects to compile information not routinely developed or
1003 maintained by the agency or that requires a substantial amount
1004 of manipulation or programming, must be in accordance with s.
1005 119.07(4).

1006 Section 23. For the purpose of incorporating the amendment
1007 made by this act to section 119.07, Florida Statutes, in a
1008 reference thereto, paragraph (d) of subsection (1) of section
1009 119.0712, Florida Statutes, is reenacted to read:

1010 119.0712 Executive branch agency-specific exemptions from
1011 inspection or copying of public records.—

1012 (1) DEPARTMENT OF HEALTH.—All personal identifying
1013 information contained in records relating to an individual's
1014 personal health or eligibility for health-related services held
1015 by the Department of Health is confidential and exempt from s.

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1016 119.07(1) and s. 24(a), Art. I of the State Constitution, except
1017 as otherwise provided in this subsection. Information made
1018 confidential and exempt by this subsection shall be disclosed:

1019 (d) To a health research entity, if the entity seeks the
1020 records or data pursuant to a research protocol approved by the
1021 department, maintains the records or data in accordance with the
1022 approved protocol, and enters into a purchase and data-use
1023 agreement with the department, the fee provisions of which are
1024 consistent with s. 119.07(4). The department may deny a request
1025 for records or data if the protocol provides for intrusive
1026 follow-back contacts, has not been approved by a human studies
1027 institutional review board, does not plan for the destruction of
1028 confidential records after the research is concluded, is
1029 administratively burdensome, or does not have scientific merit.
1030 The agreement must restrict the release of any information that
1031 would permit the identification of persons, limit the use of
1032 records or data to the approved research protocol, and prohibit
1033 any other use of the records or data. Copies of records or data
1034 issued pursuant to this paragraph remain the property of the
1035 department.

1036 Section 24. For the purpose of incorporating the amendment
1037 made by this act to section 119.07, Florida Statutes, in a
1038 reference thereto, paragraph (a) of subsection (2) of section
1039 119.084, Florida Statutes, is reenacted to read:

1040 119.084 Copyright of data processing software created by
1041 governmental agencies; sale price and licensing fee.—

1042 (2) An agency is authorized to acquire and hold a copyright
1043 for data processing software created by the agency and to
1044 enforce its rights pertaining to such copyright, provided that

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1045 the agency complies with the requirements of this subsection.

1046 (a) An agency that has acquired a copyright for data
1047 processing software created by the agency may sell or license
1048 the copyrighted data processing software to any public agency or
1049 private person. The agency may establish a price for the sale
1050 and a licensing fee for the use of such data processing software
1051 that may be based on market considerations. However, the prices
1052 or fees for the sale or licensing of copyrighted data processing
1053 software to an individual or entity solely for application to
1054 information maintained or generated by the agency that created
1055 the copyrighted data processing software shall be determined
1056 pursuant to s. 119.07(4).

1057 Section 25. For the purpose of incorporating the amendment
1058 made by this act to section 119.07, Florida Statutes, in a
1059 reference thereto, subsection (6) of section 455.219, Florida
1060 Statutes, is reenacted to read:

1061 455.219 Fees; receipts; disposition; periodic management
1062 reports.—

1063 (6) The department or the appropriate board shall charge a
1064 fee not to exceed \$25 for the certification of a public record.
1065 The fee shall be determined by rule of the department. The
1066 department or the appropriate board shall assess a fee for
1067 duplication of a public record as provided in s. 119.07(4).

1068 Section 26. For the purpose of incorporating the amendment
1069 made by this act to section 119.07, Florida Statutes, in a
1070 reference thereto, subsection (11) of section 456.025, Florida
1071 Statutes, is reenacted to read:

1072 456.025 Fees; receipts; disposition.—

1073 (11) The department or the appropriate board shall charge a

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1074 fee not to exceed \$25 for the certification of a public record.
1075 The fee shall be determined by rule of the department. The
1076 department or the appropriate board shall assess a fee for
1077 duplicating a public record as provided in s. 119.07(4).

1078 Section 27. For the purpose of incorporating the amendment
1079 made by this act to section 119.07, Florida Statutes, in a
1080 reference thereto, paragraph (c) of subsection (1) of section
1081 458.3193, Florida Statutes, is reenacted to read:

1082 458.3193 Confidentiality of certain information contained
1083 in physician workforce surveys.—

1084 (1) All personal identifying information contained in
1085 records provided by physicians licensed under this chapter or
1086 chapter 459 in response to physician workforce surveys required
1087 as a condition of license renewal and held by the Department of
1088 Health is confidential and exempt from s. 119.07(1) and s.
1089 24(a), Art. I of the State Constitution, except as otherwise
1090 provided in this subsection. Information made confidential and
1091 exempt by this subsection shall be disclosed:

1092 (c) To a research entity, if the entity seeks the records
1093 or data pursuant to a research protocol approved by the
1094 Department of Health, maintains the records or data in
1095 accordance with the approved protocol, and enters into a
1096 purchase and data-use agreement with the department, the fee
1097 provisions of which are consistent with s. 119.07(4). The
1098 department may deny a request for records or data if the
1099 protocol provides for intrusive follow-back contacts, does not
1100 plan for the destruction of confidential records after the
1101 research is concluded, is administratively burdensome, or does
1102 not have scientific merit. The agreement must restrict the

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1103 release of information that would identify individuals, must
1104 limit the use of records or data to the approved research
1105 protocol, and must prohibit any other use of the records or
1106 data. Copies of records or data issued pursuant to this
1107 paragraph remain the property of the department.

1108 Section 28. For the purpose of incorporating the amendment
1109 made by this act to section 119.07, Florida Statutes, in a
1110 reference thereto, paragraph (c) of subsection (1) of section
1111 459.0083, Florida Statutes, is reenacted to read:

1112 459.0083 Confidentiality of certain information contained
1113 in physician workforce surveys.—

1114 (1) All personal identifying information contained in
1115 records provided by physicians licensed under chapter 458 or
1116 this chapter in response to physician workforce surveys required
1117 as a condition of license renewal and held by the Department of
1118 Health is confidential and exempt from s. 119.07(1) and s.
1119 24(a), Art. I of the State Constitution, except as otherwise
1120 provided in this subsection. Information made confidential and
1121 exempt by this subsection shall be disclosed:

1122 (c) To a research entity, if the entity seeks the records
1123 or data pursuant to a research protocol approved by the
1124 Department of Health, maintains the records or data in
1125 accordance with the approved protocol, and enters into a
1126 purchase and data-use agreement with the department, the fee
1127 provisions of which are consistent with s. 119.07(4). The
1128 department may deny a request for records or data if the
1129 protocol provides for intrusive follow-back contacts, does not
1130 plan for the destruction of confidential records after the
1131 research is concluded, is administratively burdensome, or does

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1132 not have scientific merit. The agreement must restrict the
1133 release of information that would identify individuals, must
1134 limit the use of records or data to the approved research
1135 protocol, and must prohibit any other use of the records or
1136 data. Copies of records or data issued pursuant to this
1137 paragraph remain the property of the department.

1138 Section 29. For the purpose of incorporating the amendment
1139 made by this act to section 119.07, Florida Statutes, in a
1140 reference thereto, subsection (16) of section 472.011, Florida
1141 Statutes, is reenacted to read:

1142 472.011 Fees.—

1143 (16) The department or the board shall charge a fee not to
1144 exceed \$25 for the certification of a public record. The fee
1145 shall be determined by rule of the department. The department or
1146 the appropriate board shall assess a fee for duplication of a
1147 public record as provided in s. 119.07(4).

1148 Section 30. For the purpose of incorporating the amendment
1149 made by this act to section 119.07, Florida Statutes, in a
1150 reference thereto, paragraph (e) of subsection (2) of section
1151 1012.31, Florida Statutes, is reenacted to read:

1152 1012.31 Personnel files.—Public school system employee
1153 personnel files shall be maintained according to the following
1154 provisions:

1155 (2)

1156 (e) Upon request, an employee, or any person designated in
1157 writing by the employee, shall be permitted to examine the
1158 personnel file of such employee. The employee shall be permitted
1159 conveniently to reproduce any materials in the file, at a cost
1160 no greater than the fees prescribed in s. 119.07(4).

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1161 Section 31. For the purpose of incorporating the amendment
1162 made by this act to section 119.071, Florida Statutes, in a
1163 reference thereto, subsection (5) of section 17.076, Florida
1164 Statutes, is reenacted to read

1165 17.076 Direct deposit of funds.—

1166 (5) All direct deposit records made prior to October 1,
1167 1986, are exempt from the provisions of s. 119.07(1). With
1168 respect to direct deposit records made on or after October 1,
1169 1986, the names of the authorized financial institutions and the
1170 account numbers of the beneficiaries are confidential and exempt
1171 from the provisions of s. 119.07(1) and s. 24(a), Art. I of the
1172 State Constitution. Notwithstanding this exemption and the
1173 provisions of s. 119.071(5)(b), the department may provide a
1174 state university, upon request, with that university's employee
1175 or vendor direct deposit authorization information on file with
1176 the department in order to accommodate the transition to the
1177 university accounting system. The state university shall
1178 maintain the confidentiality of all such information provided by
1179 the department.

1180 Section 32. For the purpose of incorporating the amendment
1181 made by this act to section 119.071, Florida Statutes, in a
1182 reference thereto, section 119.0714, Florida Statutes, is
1183 reenacted to read:

1184 (1) COURT FILES.—Nothing in this chapter shall be construed
1185 to exempt from s. 119.07(1) a public record that was made a part
1186 of a court file and that is not specifically closed by order of
1187 court, except:

1188 (a) A public record that was prepared by an agency attorney
1189 or prepared at the attorney's express direction as provided in

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1190 s. 119.071(1)(d).

1191 (b) Data processing software as provided in s.
1192 119.071(1)(f).

1193 (c) Any information revealing surveillance techniques or
1194 procedures or personnel as provided in s. 119.071(2)(d).

1195 (d) Any comprehensive inventory of state and local law
1196 enforcement resources, and any comprehensive policies or plans
1197 compiled by a criminal justice agency, as provided in s.
1198 119.071(2)(d).

1199 (e) Any information revealing the substance of a confession
1200 of a person arrested as provided in s. 119.071(2)(e).

1201 (f) Any information revealing the identity of a
1202 confidential informant or confidential source as provided in s.
1203 119.071(2)(f).

1204 (g) Any information revealing undercover personnel of any
1205 criminal justice agency as provided in s. 119.071(4)(c).

1206 (h) Criminal intelligence information or criminal
1207 investigative information that is confidential and exempt as
1208 provided in s. 119.071(2)(h).

1209 (i) Social security numbers as provided in s.
1210 119.071(5)(a).

1211 (j) Bank account numbers and debit, charge, and credit card
1212 numbers as provided in s. 119.071(5)(b).

1213 (2) COURT RECORDS.—

1214 (a) Until January 1, 2011, if a social security number or a
1215 bank account, debit, charge, or credit card number is included
1216 in a court file, such number may be included as part of the
1217 court record available for public inspection and copying unless
1218 redaction is requested by the holder of such number or by the

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1219 holder's attorney or legal guardian.

1220 (b) A request for redaction must be a signed, legibly
1221 written request specifying the case name, case number, document
1222 heading, and page number. The request must be delivered by mail,
1223 facsimile, electronic transmission, or in person to the clerk of
1224 the court. The clerk of the court does not have a duty to
1225 inquire beyond the written request to verify the identity of a
1226 person requesting redaction.

1227 (c) A fee may not be charged for the redaction of a social
1228 security number or a bank account, debit, charge, or credit card
1229 number pursuant to such request.

1230 (d) The clerk of the court has no liability for the
1231 inadvertent release of social security numbers, or bank account,
1232 debit, charge, or credit card numbers, unknown to the clerk of
1233 the court in court records filed on or before January 1, 2011.

1234 (e)1. On January 1, 2011, and thereafter, the clerk of the
1235 court must keep social security numbers confidential and exempt
1236 as provided for in s. 119.071(5)(a), and bank account, debit,
1237 charge, and credit card numbers exempt as provided for in s.
1238 119.071(5)(b), without any person having to request redaction.

1239 2. Section 119.071(5)(a)7. and 8. does not apply to the
1240 clerks of the court with respect to court records.

1241 (3) OFFICIAL RECORDS.—

1242 (a) Any person who prepares or files a record for recording
1243 in the official records as provided in chapter 28 may not
1244 include in that record a social security number or a bank
1245 account, debit, charge, or credit card number unless otherwise
1246 expressly required by law.

1247 (b)1. If a social security number or a bank account, debit,

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1248 charge, or credit card number is included in an official record,
1249 such number may be made available as part of the official
1250 records available for public inspection and copying unless
1251 redaction is requested by the holder of such number or by the
1252 holder's attorney or legal guardian.

1253 2. If such record is in electronic format, on January 1,
1254 2011, and thereafter, the county recorder must use his or her
1255 best effort, as provided in paragraph (h), to keep social
1256 security numbers confidential and exempt as provided for in s.
1257 119.071(5)(a), and to keep complete bank account, debit, charge,
1258 and credit card numbers exempt as provided for in s.
1259 119.071(5)(b), without any person having to request redaction.

1260 3. Section 119.071(5)(a)7. and 8. does not apply to the
1261 county recorder with respect to official records.

1262 (c) The holder of a social security number or a bank
1263 account, debit, charge, or credit card number, or the holder's
1264 attorney or legal guardian, may request that a county recorder
1265 redact from an image or copy of an official record placed on a
1266 county recorder's publicly available Internet website or on a
1267 publicly available Internet website used by a county recorder to
1268 display public records, or otherwise made electronically
1269 available to the public, his or her social security number or
1270 bank account, debit, charge, or credit card number contained in
1271 that official record.

1272 (d) A request for redaction must be a signed, legibly
1273 written request and must be delivered by mail, facsimile,
1274 electronic transmission, or in person to the county recorder.
1275 The request must specify the identification page number of the
1276 record that contains the number to be redacted.

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1277 (e) The county recorder does not have a duty to inquire
1278 beyond the written request to verify the identity of a person
1279 requesting redaction.

1280 (f) A fee may not be charged for redacting a social
1281 security number or a bank account, debit, charge, or credit card
1282 number.

1283 (g) A county recorder shall immediately and conspicuously
1284 post signs throughout his or her offices for public viewing, and
1285 shall immediately and conspicuously post on any Internet website
1286 or remote electronic site made available by the county recorder
1287 and used for the ordering or display of official records or
1288 images or copies of official records, a notice stating, in
1289 substantially similar form, the following:

1290 1. On or after October 1, 2002, any person preparing or
1291 filing a record for recordation in the official records may not
1292 include a social security number or a bank account, debit,
1293 charge, or credit card number in such document unless required
1294 by law.

1295 2. Any person has a right to request a county recorder to
1296 remove from an image or copy of an official record placed on a
1297 county recorder's publicly available Internet website or on a
1298 publicly available Internet website used by a county recorder to
1299 display public records, or otherwise made electronically
1300 available to the general public, any social security number
1301 contained in an official record. Such request must be made in
1302 writing and delivered by mail, facsimile, or electronic
1303 transmission, or delivered in person, to the county recorder.
1304 The request must specify the identification page number that
1305 contains the social security number to be redacted. A fee may

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1306 not be charged for the redaction of a social security number
1307 pursuant to such a request.

1308 (h) If the county recorder accepts or stores official
1309 records in an electronic format, the county recorder must use
1310 his or her best efforts to redact all social security numbers
1311 and bank account, debit, charge, or credit card numbers from
1312 electronic copies of the official record. The use of an
1313 automated program for redaction shall be deemed to be the best
1314 effort in performing the redaction and shall be deemed in
1315 compliance with the requirements of this subsection.

1316 (i) The county recorder is not liable for the inadvertent
1317 release of social security numbers, or bank account, debit,
1318 charge, or credit card numbers, filed with the county recorder.

1319 Section 33. For the purpose of incorporating the amendment
1320 made by this act to section 119.071, Florida Statutes, in a
1321 reference thereto, paragraph (b) of subsection (8) of section
1322 1007.35, Florida Statutes, is reenacted to read:

1323 1007.35 Florida Partnership for Minority and
1324 Underrepresented Student Achievement.—

1325 (8)

1326 (b) The department shall contribute to the evaluation
1327 process by providing access, consistent with s. 119.071(5)(a),
1328 to student and teacher information necessary to match against
1329 databases containing teacher professional development data and
1330 databases containing assessment data for the PSAT/NMSQT, SAT,
1331 AP, and other appropriate measures. The department shall also
1332 provide student-level data on student progress from middle
1333 school through high school and into college and the workforce,
1334 if available, in order to support longitudinal studies. The

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1335 partnership shall analyze and report student performance data in
1336 a manner that protects the rights of students and parents as
1337 required in 20 U.S.C. s. 1232g and s. 1002.22.

1338 Section 34. Paragraph (a) of subsection (2) of section
1339 11.0431, Florida Statutes, is amended to read:

1340 11.0431 Legislative records; intent of legislation;
1341 exemption from public disclosure.—

1342 (2) The following public records are exempt from inspection
1343 and copying:

1344 (a) Records, or information contained therein, held by the
1345 legislative branch of government which, if held by an agency as
1346 defined in s. 119.003 ~~s. 119.011~~, or any other unit of
1347 government, would be confidential or exempt from the provisions
1348 of s. 119.07(1), or otherwise exempt from public disclosure, and
1349 records or information of the same type held by the Legislature.

1350 Section 35. Subsection (2) of section 28.001, Florida
1351 Statutes, is amended to read:

1352 28.001 Definitions.—As used in this chapter:

1353 (2) "Public records" has the same meaning as in s. 119.003
1354 ~~s. 119.011~~ and includes each official record.

1355 Section 36. Paragraph (e) of subsection (12) of section
1356 28.24, Florida Statutes, is amended to read:

1357 28.24 Service charges by clerk of the circuit court.—The
1358 clerk of the circuit court shall charge for services rendered by
1359 the clerk's office in recording documents and instruments and in
1360 performing the duties enumerated in amounts not to exceed those
1361 specified in this section. Notwithstanding any other provision
1362 of this section, the clerk of the circuit court shall provide
1363 without charge to the state attorney, public defender, guardian

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1364 ad litem, public guardian, attorney ad litem, criminal conflict
1365 and civil regional counsel, and private court-appointed counsel
1366 paid by the state, and to the authorized staff acting on behalf
1367 of each, access to and a copy of any public record, if the
1368 requesting party is entitled by law to view the exempt or
1369 confidential record, as maintained by and in the custody of the
1370 clerk of the circuit court as provided in general law and the
1371 Florida Rules of Judicial Administration. The clerk of the
1372 circuit court may provide the requested public record in an
1373 electronic format in lieu of a paper format when capable of
1374 being accessed by the requesting entity.

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Charges

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1378 (12) For recording, indexing, and filing any instrument not
1379 more than 14 inches by 8 1/2 inches, including required notice
1380 to property appraiser where applicable:

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

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1. If the counties maintain legal responsibility for the
costs of the court-related technology needs as defined in s.
29.008(1)(f)2. and (h), 10 cents shall be distributed to the
Florida Association of Court Clerks and Comptroller, Inc., for
the cost of development, implementation, operation, and
maintenance of the clerks' Comprehensive Case Information
System, in which system all clerks shall participate on or

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1393 before January 1, 2006; \$1.90 shall be retained by the clerk to
1394 be deposited in the Public Records Modernization Trust Fund and
1395 used exclusively for funding court-related technology needs of
1396 the clerk as defined in s. 29.008(1)(f)2. and (h); and \$2 shall
1397 be distributed to the board of county commissioners to be used
1398 exclusively to fund court-related technology, and court
1399 technology needs as defined in s. 29.008(1)(f)2. and (h) for the
1400 state trial courts, state attorney, public defender, and
1401 criminal conflict and civil regional counsel in that county. If
1402 the counties maintain legal responsibility for the costs of the
1403 court-related technology needs as defined in s. 29.008(1)(f)2.
1404 and (h), notwithstanding any other provision of law, the county
1405 is not required to provide additional funding beyond that
1406 provided herein for the court-related technology needs of the
1407 clerk as defined in s. 29.008(1)(f)2. and (h). All court records
1408 and official records are the property of the State of Florida,
1409 including any records generated as part of the Comprehensive
1410 Case Information System funded pursuant to this paragraph and
1411 the clerk of court is designated as the custodian of such
1412 records, except in a county where the duty of maintaining
1413 official records exists in a county office other than the clerk
1414 of court or comptroller, such county office is designated the
1415 custodian of all official records, and the clerk of court is
1416 designated the custodian of all court records. The clerk of
1417 court or any entity acting on behalf of the clerk of court,
1418 including an association, shall not charge a fee to any agency
1419 as defined in s. 119.003 ~~s. 119.011~~, the Legislature, or the
1420 State Court System for copies of records generated by the
1421 Comprehensive Case Information System or held by the clerk of

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1422 court or any entity acting on behalf of the clerk of court,
1423 including an association.

1424 2. If the state becomes legally responsible for the costs of
1425 court-related technology needs as defined in s. 29.008(1)(f)2.
1426 and (h), whether by operation of general law or by court order,
1427 \$4 shall be remitted to the Department of Revenue for deposit
1428 into the General Revenue Fund.

1429 Section 37. Subsection (2) of section 73.0155, Florida
1430 Statutes, is amended to read:

1431 73.0155 Confidentiality; business information provided to a
1432 governmental condemning authority.—

1433 (2) An agency as defined in s. 119.003 ~~s. 119.011~~ may
1434 inspect and copy the confidential and exempt business
1435 information exclusively for the transaction of official business
1436 by, or on behalf of, an agency.

1437 Section 38. Subsection (1) of section 97.0585, Florida
1438 Statutes, is amended to read:

1439 97.0585 Public records exemption; information regarding
1440 voters and voter registration; confidentiality.—

1441 (1) The following information concerning voters and voter
1442 registration held by an agency as defined in s. 119.003 ~~s.~~
1443 ~~119.011~~ is confidential and exempt from s. 119.07(1) and s.
1444 24(a), Art. I of the State Constitution and may be used only for
1445 purposes of voter registration:

1446 (a) All declinations to register to vote made pursuant to
1447 ss. 97.057 and 97.058.

1448 (b) Information relating to the place where a person
1449 registered to vote or where a person updated a voter
1450 registration.

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1451 (c) The social security number, driver's license number,
1452 and Florida identification number of a voter registration
1453 applicant or voter.

1454 Section 39. Paragraph (c) of subsection (2) of section
1455 112.3188, Florida Statutes, is amended to read:

1456 112.3188 Confidentiality of information given to the Chief
1457 Inspector General, internal auditors, inspectors general, local
1458 chief executive officers, or other appropriate local officials.-

1459 (2)

1460 (c) Information deemed confidential under this section may
1461 be disclosed by the Chief Inspector General, agency inspector
1462 general, local chief executive officer, or other appropriate
1463 local official receiving the information if the recipient
1464 determines that the disclosure of the information is absolutely
1465 necessary to prevent a substantial and specific danger to the
1466 public's health, safety, or welfare or to prevent the imminent
1467 commission of a crime. Information disclosed under this
1468 subsection may be disclosed only to persons who are in a
1469 position to prevent the danger to the public's health, safety,
1470 or welfare or to prevent the imminent commission of a crime
1471 based on the disclosed information.

1472 1. An investigation is active under this section if:

1473 a. It is an ongoing investigation or inquiry or collection
1474 of information and evidence and is continuing with a reasonable,
1475 good faith anticipation of resolution in the foreseeable future;
1476 or

1477 b. All or a portion of the matters under investigation or
1478 inquiry are active criminal intelligence information or active
1479 criminal investigative information as defined in s. 119.003 ~~s.~~

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1480 ~~119.011.~~

1481 2. Notwithstanding sub-subparagraph 1.a., an investigation
1482 ceases to be active when:

1483 a. The written report required under s. 112.3189(9) has
1484 been sent by the Chief Inspector General to the recipients named
1485 in s. 112.3189(9);

1486 b. It is determined that an investigation is not necessary
1487 under s. 112.3189(5); or

1488 c. A final decision has been rendered by the local
1489 government or by the Division of Administrative Hearings
1490 pursuant to s. 112.3187(8)(b).

1491 3. Notwithstanding paragraphs (a), (b), and this paragraph,
1492 information or records received or produced under this section
1493 which are otherwise confidential under law or exempt from
1494 disclosure under chapter 119 retain their confidentiality or
1495 exemption.

1496 4. Any person who willfully and knowingly discloses
1497 information or records made confidential under this subsection
1498 commits a misdemeanor of the first degree, punishable as
1499 provided in s. 775.082 or s. 775.083.

1500 Section 40. Section 163.61, Florida Statutes, is amended to
1501 read:

1502 163.61 "Agency" defined.—For the purposes of ss. 163.61-
1503 163.65, the word "agency" has the meaning ascribed in s. 119.003
1504 ~~s. 119.011.~~

1505 Section 41. Subsection (1) of section 257.34, Florida
1506 Statutes, is amended to read:

1507 257.34 Florida International Archive and Repository.—

1508 (1) There is created within the Division of Library and

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1509 Information Services of the Department of State the Florida
1510 International Archive and Repository for the preservation of
1511 those public records, as defined in s. 119.003 ~~s. 119.011~~,
1512 manuscripts, international judgments involving disputes between
1513 domestic and foreign businesses, and all other public matters
1514 that the department or the Florida Council of International
1515 Development deems relevant to international issues. It is the
1516 duty and responsibility of the division to:

1517 (a) Organize and administer the Florida International
1518 Archive and Repository.

1519 (b) Preserve and administer records that are transferred to
1520 its custody; accept, arrange, and preserve them, according to
1521 approved archival and repository practices; and permit them, at
1522 reasonable times and under the supervision of the division, to
1523 be inspected and copied. All public records transferred to the
1524 custody of the division are subject to the provisions of s.
1525 119.07(1).

1526 (c) Assist the records and information management program
1527 in the determination of retention values for records.

1528 (d) Cooperate with and assist, insofar as practicable,
1529 state institutions, departments, agencies, counties,
1530 municipalities, and individuals engaged in internationally
1531 related activities.

1532 (e) Provide a public research room where, under rules
1533 established by the division, the materials in the international
1534 archive and repository may be studied.

1535 (f) Conduct, promote, and encourage research in
1536 international trade, government, and culture and maintain a
1537 program of information, assistance, coordination, and guidance

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1538 for public officials, educational institutions, libraries, the
1539 scholarly community, and the general public engaged in such
1540 research.

1541 (g) Cooperate with and, insofar as practicable, assist
1542 agencies, libraries, institutions, and individuals in projects
1543 concerned with internationally related issues and preserve
1544 original materials relating to internationally related issues.

1545 (h) Assist and cooperate with the records and information
1546 management program in the training and information program
1547 described in s. 257.36(1)(g).

1548 Section 42. Subsection (1) of section 257.35, Florida
1549 Statutes, is amended to read:

1550 257.35 Florida State Archives.—

1551 (1) There is created within the Division of Library and
1552 Information Services of the Department of State the Florida
1553 State Archives for the preservation of those public records, as
1554 defined in s. 119.003(16) ~~s. 119.011(12)~~, manuscripts, and other
1555 archival material that have been determined by the division to
1556 have sufficient historical or other value to warrant their
1557 continued preservation and have been accepted by the division
1558 for deposit in its custody. It is the duty and responsibility of
1559 the division to:

1560 (a) Organize and administer the Florida State Archives.

1561 (b) Preserve and administer such records as shall be
1562 transferred to its custody; accept, arrange, and preserve them,
1563 according to approved archival practices; and permit them, at
1564 reasonable times and under the supervision of the division, to
1565 be inspected and copied.

1566 (c) Assist the records and information management program

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1567 in the determination of retention values for records.

1568 (d) Cooperate with and assist insofar as practicable state
1569 institutions, departments, agencies, counties, municipalities,
1570 and individuals engaged in activities in the field of state
1571 archives, manuscripts, and history and accept from any person
1572 any paper, book, record, or similar material which in the
1573 judgment of the division warrants preservation in the state
1574 archives.

1575 (e) Provide a public research room where, under rules
1576 established by the division, the materials in the state archives
1577 may be studied.

1578 (f) Conduct, promote, and encourage research in Florida
1579 history, government, and culture and maintain a program of
1580 information, assistance, coordination, and guidance for public
1581 officials, educational institutions, libraries, the scholarly
1582 community, and the general public engaged in such research.

1583 (g) Cooperate with and, insofar as practicable, assist
1584 agencies, libraries, institutions, and individuals in projects
1585 designed to preserve original source materials relating to
1586 Florida history, government, and culture and prepare and publish
1587 handbooks, guides, indexes, and other literature directed toward
1588 encouraging the preservation and use of the state's documentary
1589 resources.

1590 (h) Encourage and initiate efforts to preserve, collect,
1591 process, transcribe, index, and research the oral history of
1592 Florida government.

1593 (i) Assist and cooperate with the records and information
1594 management program in the training and information program
1595 described in s. 257.36(1)(g).

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1596 Section 43. Section 281.301, Florida Statutes, is amended
1597 to read:

1598 281.301 Security systems; records and meetings exempt from
1599 public access or disclosure.—Information relating to the
1600 security systems for any property owned by or leased to the
1601 state or any of its political subdivisions, and information
1602 relating to the security systems for any privately owned or
1603 leased property which is in the possession of any agency as
1604 defined in s. 119.003(2) ~~s. 119.011(2)~~, including all records,
1605 information, photographs, audio and visual presentations,
1606 schematic diagrams, surveys, recommendations, or consultations
1607 or portions thereof relating directly to or revealing such
1608 systems or information, and all meetings relating directly to or
1609 that would reveal such systems or information are confidential
1610 and exempt from ss. 119.07(1) and 119.20 ~~286.011~~ and other laws
1611 and rules requiring public access or disclosure.

1612 Section 44. Paragraph (a) of subsection (3) of section
1613 364.107, Florida Statutes, is amended to read:

1614 364.107 Public records exemption; Lifeline Assistance Plan
1615 participants.—

1616 (3) (a) An officer or employee of a telecommunications
1617 carrier shall not intentionally disclose information made
1618 confidential and exempt under subsection (1), except as:

- 1619 1. Authorized by the customer;
- 1620 2. Necessary for billing purposes;
- 1621 3. Required by subpoena, court order, or other process of
1622 court;
- 1623 4. Necessary to disclose to an agency as defined in s.
1624 119.003 ~~s. 119.011~~ or a governmental entity for purposes

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1625 directly connected with implementing service for, or verifying
1626 eligibility of, a participant in a Lifeline Assistance Plan or
1627 auditing a Lifeline Assistance Plan; or

1628 5. Otherwise authorized by law.

1629 Section 45. Paragraph (d) of subsection (2) and subsection
1630 (5) of section 382.0085, Florida Statutes, are amended to read:

1631 382.0085 Stillbirth registration.—

1632 (2) The person who is required to file a fetal death
1633 certificate under this chapter shall advise the parent of a
1634 stillborn child:

1635 (d) That a copy of the original certificate of birth
1636 resulting in stillbirth is a document that is available as a
1637 public record when held by an agency as defined under s.
1638 119.003(2) ~~s. 119.011(2)~~.

1639 (5) A certificate of birth resulting in stillbirth shall be
1640 a public record when held by an agency as defined under s.
1641 119.003(2) ~~s. 119.011(2)~~. The Office of Vital Statistics must
1642 inform any parent who requests a certificate of birth resulting
1643 in stillbirth that a copy of the document is available as a
1644 public record.

1645 Section 46. Subsection (9) of section 383.402, Florida
1646 Statutes, is amended to read:

1647 383.402 Child abuse death review; State Child Abuse Death
1648 Review Committee; local child abuse death review committees.—

1649 (9) The State Child Abuse Death Review Committee or a local
1650 committee shall have access to all information of a law
1651 enforcement agency which is not the subject of an active
1652 investigation and which pertains to the review of the death of a
1653 child. A committee may not disclose any information that is not

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1654 subject to public disclosure by the law enforcement agency, and
1655 active criminal intelligence information or criminal
1656 investigative information, as defined in s. 119.003(6) ~~s.~~
1657 ~~119.011(3)~~, may not be made available for review or access under
1658 this section.

1659 Section 47. Subsection (9) of section 550.0251, Florida
1660 Statutes, is amended to read:

1661 550.0251 The powers and duties of the Division of Pari-
1662 mutuel Wagering of the Department of Business and Professional
1663 Regulation.—The division shall administer this chapter and
1664 regulate the pari-mutuel industry under this chapter and the
1665 rules adopted pursuant thereto, and:

1666 (9) The division may conduct investigations in enforcing
1667 this chapter, except that all information obtained pursuant to
1668 an investigation by the division for an alleged violation of
1669 this chapter or rules of the division is exempt from s.
1670 119.07(1) and from s. 24(a), Art. I of the State Constitution
1671 until an administrative complaint is issued or the investigation
1672 is closed or ceases to be active. This subsection does not
1673 prohibit the division from providing such information to any law
1674 enforcement agency or to any other regulatory agency. For the
1675 purposes of this subsection, an investigation is considered to
1676 be active while it is being conducted with reasonable dispatch
1677 and with a reasonable, good faith belief that it could lead to
1678 an administrative, civil, or criminal action by the division or
1679 another administrative or law enforcement agency. Except for
1680 active criminal intelligence or criminal investigative
1681 information, as defined in s. 119.003 ~~s. 119.011~~, and any other
1682 information that, if disclosed, would jeopardize the safety of

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1683 an individual, all information, records, and transcriptions
1684 become public when the investigation is closed or ceases to be
1685 active.

1686 Section 48. Subsection (6) of section 607.0505, Florida
1687 Statutes, is amended to read:

1688 607.0505 Registered agent; duties.—

1689 (6) Information provided to, and records and transcriptions
1690 of testimony obtained by, the Department of Legal Affairs
1691 pursuant to this section are confidential and exempt from the
1692 provisions of s. 119.07(1) while the investigation is active.
1693 For purposes of this section, an investigation shall be
1694 considered "active" while such investigation is being conducted
1695 with a reasonable, good faith belief that it may lead to the
1696 filing of an administrative, civil, or criminal proceeding. An
1697 investigation does not cease to be active so long as the
1698 department is proceeding with reasonable dispatch and there is a
1699 good faith belief that action may be initiated by the department
1700 or other administrative or law enforcement agency. Except for
1701 active criminal intelligence or criminal investigative
1702 information, as defined in s. 119.003 ~~s. 119.011~~, and
1703 information which, if disclosed, would reveal a trade secret, as
1704 defined in s. 688.002, or would jeopardize the safety of an
1705 individual, all information, records, and transcriptions become
1706 public record when the investigation is completed or ceases to
1707 be active. The department shall not disclose confidential
1708 information, records, or transcriptions of testimony except
1709 pursuant to the authorization by the Attorney General in any of
1710 the following circumstances:

1711 (a) To a law enforcement agency participating in or

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1712 conducting a civil investigation under chapter 895, or
1713 participating in or conducting a criminal investigation.

1714 (b) In the course of filing, participating in, or
1715 conducting a judicial proceeding instituted pursuant to this
1716 section or chapter 895.

1717 (c) In the course of filing, participating in, or
1718 conducting a judicial proceeding to enforce an order or judgment
1719 entered pursuant to this section or chapter 895.

1720 (d) In the course of a criminal or civil proceeding.

1721
1722 A person or law enforcement agency which receives any
1723 information, record, or transcription of testimony that has been
1724 made confidential by this subsection shall maintain the
1725 confidentiality of such material and shall not disclose such
1726 information, record, or transcription of testimony except as
1727 provided for herein. Any person who willfully discloses any
1728 information, record, or transcription of testimony that has been
1729 made confidential by this subsection, except as provided for
1730 herein, is guilty of a misdemeanor of the first degree,
1731 punishable as provided in s. 775.082 or s. 775.083. If any
1732 information, record, or testimony obtained pursuant to
1733 subsection (2) is offered in evidence in any judicial
1734 proceeding, the court may, in its discretion, seal that portion
1735 of the record to further the policies of confidentiality set
1736 forth herein.

1737 Section 49. Subsection (6) of section 617.0503, Florida
1738 Statutes, is amended to read:

1739 617.0503 Registered agent; duties; confidentiality of
1740 investigation records.-

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1741 (6) Information provided to, and records and transcriptions
1742 of testimony obtained by, the Department of Legal Affairs
1743 pursuant to this section are confidential and exempt from the
1744 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
1745 Constitution while the investigation is active. For purposes of
1746 this section, an investigation shall be considered "active"
1747 while such investigation is being conducted with a reasonable,
1748 good faith belief that it may lead to the filing of an
1749 administrative, civil, or criminal proceeding. An investigation
1750 does not cease to be active so long as the department is
1751 proceeding with reasonable dispatch and there is a good faith
1752 belief that action may be initiated by the department or other
1753 administrative or law enforcement agency. Except for active
1754 criminal intelligence or criminal investigative information, as
1755 defined in s. 119.003 ~~s. 119.011~~, and information which, if
1756 disclosed, would reveal a trade secret, as defined in s.
1757 688.002, or would jeopardize the safety of an individual, all
1758 information, records, and transcriptions become available to the
1759 public when the investigation is completed or ceases to be
1760 active. The department shall not disclose confidential
1761 information, records, or transcriptions of testimony except
1762 pursuant to authorization by the Attorney General in any of the
1763 following circumstances:

1764 (a) To a law enforcement agency participating in or
1765 conducting a civil investigation under chapter 895, or
1766 participating in or conducting a criminal investigation.

1767 (b) In the course of filing, participating in, or
1768 conducting a judicial proceeding instituted pursuant to this
1769 section or chapter 895.

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1770 (c) In the course of filing, participating in, or
1771 conducting a judicial proceeding to enforce an order or judgment
1772 entered pursuant to this section or chapter 895.

1773 (d) In the course of a criminal proceeding.
1774

1775 A person or law enforcement agency that receives any
1776 information, record, or transcription of testimony that has been
1777 made confidential by this subsection shall maintain the
1778 confidentiality of such material and shall not disclose such
1779 information, record, or transcription of testimony except as
1780 provided for herein. Any person who willfully discloses any
1781 information, record, or transcription of testimony that has been
1782 made confidential by this subsection, except as provided for in
1783 this subsection, commits a misdemeanor of the first degree,
1784 punishable as provided in s. 775.082 or s. 775.083. If any
1785 information, record, or testimony obtained pursuant to
1786 subsection (2) is offered in evidence in any judicial
1787 proceeding, the court may, in its discretion, seal that portion
1788 of the record to further the policies of confidentiality set
1789 forth in this subsection.

1790 Section 50. Subsection (3) of section 636.064, Florida
1791 Statutes, is amended to read:

1792 636.064 Confidentiality.—

1793 (3) Any information obtained or produced by the department
1794 or office pursuant to an examination or investigation is
1795 confidential and exempt from the provisions of s. 119.07(1) and
1796 s. 24(a), Art. I of the State Constitution until the examination
1797 report has been filed pursuant to s. 624.319 or until such
1798 investigation is completed or ceases to be active. For purposes

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1799 of this subsection, an investigation is considered "active"
1800 while such investigation is being conducted by the department or
1801 office with a reasonable, good faith belief that it may lead to
1802 the filing of administrative, civil, or criminal proceedings. An
1803 investigation does not cease to be active if the department or
1804 office is proceeding with reasonable dispatch and there is a
1805 good faith belief that action may be initiated by the department
1806 or office or other administrative or law enforcement agency.
1807 Except for active criminal intelligence or criminal
1808 investigative information, as defined in s. 119.003 ~~s. 119.011~~;
1809 personal financial and medical information; information that
1810 would defame or cause unwarranted damage to the good name or
1811 reputation of an individual; information that would impair the
1812 safety and financial soundness of the licensee or affiliated
1813 party; proprietary financial information; or information that
1814 would reveal the identity of a confidential source, all
1815 information obtained by the department or office pursuant to an
1816 examination or investigation shall be available after the
1817 examination report has been filed or the investigation is
1818 completed or ceases to be active.

1819 Section 51. Paragraph (m) of subsection (2) of section
1820 668.50, Florida Statutes, is amended to read:

1821 668.50 Uniform Electronic Transaction Act.—

1822 (2) DEFINITIONS.—As used in this section:

1823 (m) "Record" means information that is inscribed on a
1824 tangible medium or that is stored in an electronic or other
1825 medium and is retrievable in perceivable form, including public
1826 records as defined in s. 119.003 ~~s. 119.011~~.

1827 Section 52. Section 668.6076, Florida Statutes, is amended

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1828 to read:

1829 668.6076 Public records status of e-mail addresses; agency
1830 website notice.—Any agency, as defined in s. 119.003 ~~s. 119.011~~,
1831 or legislative entity that operates a website and uses
1832 electronic mail shall post the following statement in a
1833 conspicuous location on its website:

1834

1835 Under Florida law, e-mail addresses are public
1836 records. If you do not want your e-mail address
1837 released in response to a public records request, do
1838 not send electronic mail to this entity. Instead,
1839 contact this office by phone or in writing.

1840 Section 53. Paragraph (c) of subsection (4) of section
1841 741.313, Florida Statutes, is amended to read:

1842 741.313 Unlawful action against employees seeking
1843 protection.—

1844 (4)

1845 (c)1. A private employer must keep all information relating
1846 to the employee's leave under this section confidential.

1847 2. An agency, as defined in s. 119.003 ~~s. 119.011~~, must
1848 keep information relating to the employee's leave under this
1849 section confidential and exempt from disclosure to the extent
1850 authorized by subsection (7).

1851 Section 54. Paragraph (c) of subsection (6) of section
1852 787.03, Florida Statutes, is amended to read:

1853 787.03 Interference with custody.—

1854 (6)

1855 (c)1. The current address and telephone number of the
1856 person and the minor or incompetent person which are contained

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1857 in the report made to a sheriff or state attorney under
1858 paragraph (b) are confidential and exempt from s. 119.07(1) and
1859 s. 24(a), Art. I of the State Constitution.

1860 2. A sheriff or state attorney may allow an agency, as
1861 defined in s. 119.003 ~~s. 119.011~~, to inspect and copy records
1862 made confidential and exempt under this paragraph in the
1863 furtherance of that agency's duties and responsibilities.

1864 3. This paragraph is subject to the Open Government Sunset
1865 Review Act in accordance with s. 119.15 and is repealed on
1866 October 2, 2011, unless reviewed and saved from repeal through
1867 reenactment by the Legislature.

1868 Section 55. Subsection (5) of section 817.568, Florida
1869 Statutes, is amended to read:

1870 817.568 Criminal use of personal identification
1871 information.-

1872 (5) If an offense prohibited under this section was
1873 facilitated or furthered by the use of a public record, as
1874 defined in s. 119.003 ~~s. 119.011~~, the offense is reclassified to
1875 the next higher degree as follows:

1876 (a) A misdemeanor of the first degree is reclassified as a
1877 felony of the third degree.

1878 (b) A felony of the third degree is reclassified as a
1879 felony of the second degree.

1880 (c) A felony of the second degree is reclassified as a
1881 felony of the first degree.

1882
1883 For purposes of sentencing under chapter 921 and incentive gain-
1884 time eligibility under chapter 944, a felony offense that is
1885 reclassified under this subsection is ranked one level above the

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1886 ranking under s. 921.0022 of the felony offense committed, and a
1887 misdemeanor offense that is reclassified under this subsection
1888 is ranked in level 2 of the offense severity ranking chart in s.
1889 921.0022.

1890 Section 56. Section 817.569, Florida Statutes, is amended
1891 to read:

1892 817.569 Criminal use of a public record or public records
1893 information; penalties.—A person who knowingly uses any public
1894 record, as defined in s. 119.003 ~~s. 119.011~~, or who knowingly
1895 uses information obtainable only through such public record, to
1896 facilitate or further the commission of:

1897 (1) A misdemeanor of the first degree, commits a
1898 misdemeanor of the first degree, punishable as provided in s.
1899 775.082 or s. 775.083.

1900 (2) A felony, commits a felony of the third degree,
1901 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1902 Section 57. Paragraphs (a) and (c) of subsection (3) of
1903 section 893.0551, Florida Statutes, are amended to read:

1904 893.0551 Public records exemption for the prescription drug
1905 monitoring program.—

1906 (3) The department shall disclose such confidential and
1907 exempt information to the following entities after using a
1908 verification process to ensure the legitimacy of that person's
1909 or entity's request for the information:

1910 (a) The Attorney General and his or her designee when
1911 working on Medicaid fraud cases involving prescription drugs or
1912 when the Attorney General has initiated a review of specific
1913 identifiers of Medicaid fraud regarding prescription drugs. The
1914 Attorney General or his or her designee may disclose the

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1915 confidential and exempt information received from the department
1916 to a criminal justice agency as defined in s. 119.003 ~~s. 119.011~~
1917 as part of an active investigation that is specific to a
1918 violation of prescription drug abuse or prescription drug
1919 diversion law as it relates to controlled substances. The
1920 Attorney General's Medicaid fraud investigators may not have
1921 direct access to the department's database.

1922 (c) A law enforcement agency that has initiated an active
1923 investigation involving a specific violation of law regarding
1924 prescription drug abuse or diversion of prescribed controlled
1925 substances. The law enforcement agency may disclose the
1926 confidential and exempt information received from the department
1927 to a criminal justice agency as defined in s. 119.003 ~~s. 119.011~~
1928 as part of an active investigation that is specific to a
1929 violation of prescription drug abuse or prescription drug
1930 diversion law as it relates to controlled substances. A law
1931 enforcement agency may request information from the department
1932 but may not have direct access to its database.

1933 Section 58. Subsection (5) of section 914.27, Florida
1934 Statutes, is amended to read:

1935 914.27 Confidentiality of victim and witness information.—

1936 (5) For the purposes of effectively implementing s. 914.25,
1937 any state or local law enforcement agency, state attorney, or
1938 the statewide prosecutor may provide written notification to an
1939 agency as defined in s. 119.003 ~~s. 119.011~~ or to a business
1940 entity operating under contract with, licensed by, or having any
1941 other business relationship with an agency, or providing
1942 services pursuant to s. 914.25, that information described in
1943 subsection (1) held by that agency or business is confidential

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1944 and exempt from public disclosure. The state or local law
1945 enforcement agency, state attorney, or the statewide prosecutor
1946 providing such written notification shall also provide written
1947 notification to the agency or business as to when, in accordance
1948 with this section, identity and location information exempted
1949 pursuant to paragraphs (1)(a) and (b) can be made publicly
1950 available.

1951 Section 59. Paragraphs (a) and (b) of subsection (9) of
1952 section 943.031, Florida Statutes, are amended to read:

1953 943.031 Florida Violent Crime and Drug Control Council.—

1954 (9) CONFIDENTIALITY; EXEMPTED PORTIONS OF COUNCIL MEETINGS
1955 AND RECORDS.—

1956 (a) The Legislature finds that during limited portions of
1957 the meetings of the Florida Violent Crime and Drug Control
1958 Council it is necessary that the council be presented with and
1959 discuss details, information, and documents related to active
1960 criminal investigations or matters constituting active criminal
1961 intelligence, as those concepts are defined by s. 119.003 ~~s.~~
1962 ~~119.011~~. These presentations and discussions are necessary for
1963 the council to make its funding decisions as required by the
1964 Legislature. The Legislature finds that to reveal the contents
1965 of documents containing active criminal investigative or
1966 intelligence information or to allow active criminal
1967 investigative or active criminal intelligence matters to be
1968 discussed in a meeting open to the public negatively impacts the
1969 ability of law enforcement agencies to efficiently continue
1970 their investigative or intelligence gathering activities. The
1971 Legislature finds that information coming before the council
1972 that pertains to active criminal investigations or intelligence

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1973 should remain confidential and exempt from public disclosure.
1974 The Legislature finds that the Florida Violent Crime and Drug
1975 Control Council may, by declaring only those portions of council
1976 meetings in which active criminal investigative or active
1977 criminal intelligence information is to be presented or
1978 discussed closed to the public, assure an appropriate balance
1979 between the policy of this state that meetings be public and the
1980 policy of this state to facilitate efficient law enforcement
1981 efforts.

1982 (b) The Florida Violent Crime and Drug Control Council
1983 shall be considered a "criminal justice agency" within the
1984 definition of s. 119.003(8) ~~s. 119.011(4)~~.

1985 Section 60. Subsection (7) of section 943.0313, Florida
1986 Statutes, is amended to read:

1987 943.0313 Domestic Security Oversight Council.—The
1988 Legislature finds that there exists a need to provide executive
1989 direction and leadership with respect to terrorism prevention,
1990 preparation, protection, response, and recovery efforts by state
1991 and local agencies in this state. In recognition of this need,
1992 the Domestic Security Oversight Council is hereby created. The
1993 council shall serve as an advisory council pursuant to s.
1994 20.03(7) to provide guidance to the state's regional domestic
1995 security task forces and other domestic security working groups
1996 and to make recommendations to the Governor and the Legislature
1997 regarding the expenditure of funds and allocation of resources
1998 related to counter-terrorism and domestic security efforts.

1999 (7) AGENCY DESIGNATION.—For purposes of this section, the
2000 Domestic Security Oversight Council shall be considered a
2001 criminal justice agency within the definition of s. 119.003(8)

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2002 ~~s. 119.011(4).~~

2003 Section 61. Paragraph (a) of subsection (1) of section
2004 943.0314, Florida Statutes, is amended to read:

2005 943.0314 Public records and public meetings exemptions;
2006 Domestic Security Oversight Council.—

2007 (1) (a) That portion of a meeting of the Domestic Security
2008 Oversight Council at which the council will hear or discuss
2009 active criminal investigative information or active criminal
2010 intelligence information as defined in s. 119.003 ~~s. 119.011~~ is
2011 exempt from s. 119.20 ~~s. 286.011~~ and s. 24(b), Art. I of the
2012 State Constitution, if:

2013 1. The chair of the council announces at a public meeting
2014 that, in connection with the performance of the council's
2015 duties, it is necessary that active criminal investigative
2016 information or active criminal intelligence information be
2017 discussed.

2018 2. The chair declares the specific reasons that it is
2019 necessary to close the meeting, or portion thereof, in a
2020 document that is a public record and filed with the official
2021 records of the council.

2022 3. The entire closed meeting is recorded. The recording
2023 must include the times of commencement and termination of the
2024 closed meeting or portion thereof, all discussion and
2025 proceedings, and the names of the persons present. No portion of
2026 the closed meeting shall be off the record. The recording shall
2027 be maintained by the council.

2028 Section 62. Subsection (2) of section 943.032, Florida
2029 Statutes, is amended to read:

2030 943.032 Financial Crime Analysis Center and Financial

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2031 Transaction Database.—

2032 (2) The department shall compile information and data
2033 available from financial transaction reports required to be
2034 submitted by state or federal law that are provided to the
2035 Department of Financial Services, to the Office of Financial
2036 Regulation of the Financial Services Commission, to the
2037 Department of Revenue, or to which the department otherwise has
2038 access. Information and data so received shall be utilized by
2039 the department in the Financial Transaction Database. The
2040 department shall implement a system utilizing the database that
2041 allows data review and processing to reveal patterns, trends,
2042 and correlations that are indicative of money laundering or
2043 other financial transactions indicative of criminal activity.
2044 The department shall, in consultation with the Department of
2045 Financial Services, the Office of Financial Regulation of the
2046 Financial Services Commission, and the Department of Revenue,
2047 establish the methods and parameters by which information and
2048 data received by such agencies are transferred to the department
2049 for inclusion in the database. Information developed in or
2050 through the use of the database shall be made available to law
2051 enforcement agencies and prosecutors in this state in a manner
2052 defined by the department and as allowed by state or federal law
2053 or regulation. All information contained in the database shall
2054 be considered "active criminal intelligence" or "active criminal
2055 investigative information" as defined in s. 119.003 ~~s. 119.011~~.

2056 Section 63. This act shall take effect October 1, 2010.