

HB 4005

2011

1 A bill to be entitled
 2 An act relating to legislative records; amending s.
 3 11.0431, F.S.; deleting provisions exempting from public
 4 disclosure certain records or information held by the
 5 legislative branch and certain legislative draft documents
 6 and requests for those documents or advisory opinions;
 7 providing an effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

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 11 Section 1. Subsection (2) of section 11.0431, Florida
 12 Statutes, is amended to read:

13 11.0431 Legislative records; intent of legislation;
 14 exemption from public disclosure.—

15 (2) The following public records are exempt from
 16 inspection and copying:

17 ~~(a) Records, or information contained therein, held by the~~
 18 ~~legislative branch of government which, if held by an agency as~~
 19 ~~defined in s. 119.011, or any other unit of government, would be~~
 20 ~~confidential or exempt from the provisions of s. 119.07(1), or~~
 21 ~~otherwise exempt from public disclosure, and records or~~
 22 ~~information of the same type held by the Legislature.~~

23 (a) ~~(b)~~ A formal complaint about a member or officer of the
 24 Legislature or about a lobbyist and the records relating to the
 25 complaint, until the complaint is dismissed, a determination as
 26 to probable cause has been made, a determination that there are
 27 sufficient grounds for review has been made and no probable
 28 cause panel is to be appointed, or the respondent has requested

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29 | in writing that the President of the Senate or the Speaker of
30 | the House of Representatives make public the complaint or other
31 | records relating to the complaint, whichever occurs first.

32 | ~~(e) A legislatively produced draft, and a legislative~~
33 | ~~request for a draft, of a bill, resolution, memorial, or~~
34 | ~~legislative rule, and an amendment thereto, which is not~~
35 | ~~provided to any person other than the member or members who~~
36 | ~~requested the draft, an employee of the Legislature, a member of~~
37 | ~~the Legislature who is a supervisor of the legislative employee,~~
38 | ~~a contract employee or consultant retained by the Legislature,~~
39 | ~~or an officer of the Legislature.~~

40 | ~~(d) A draft of a bill analysis or fiscal note until the~~
41 | ~~bill analysis or fiscal note is provided to a person other than~~
42 | ~~an employee of the Legislature, a contract employee or~~
43 | ~~consultant retained by the Legislature, or an officer of the~~
44 | ~~Legislature.~~

45 | ~~(e) A draft, and a request for a draft, of a~~
46 | ~~reapportionment plan or redistricting plan and an amendment~~
47 | ~~thereto. Any supporting documents associated with such plan or~~
48 | ~~amendment until a bill implementing the plan, or the amendment,~~
49 | ~~is filed.~~

50 | (b)~~(f)~~ Records prepared for or used in executive sessions
51 | of the Senate until 10 years after the date on which the
52 | executive session was held.

53 | (c)~~(g)~~ Portions of records of former legislative
54 | investigating committees whose records are sealed or
55 | confidential as of June 30, 1993, which may reveal the identity
56 | of any witness, any person who was a subject of the inquiry, or

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57 | any person referred to in testimony, documents, or evidence
58 | retained in the committee's records; however, this exemption
59 | does not apply to a member of the committee, its staff, or any
60 | public official who was not a subject of the inquiry.

61 | ~~(h) Requests by members for an advisory opinion concerning~~
62 | ~~the application of the rules of either house pertaining to~~
63 | ~~ethics, unless the member requesting the opinion authorizes in~~
64 | ~~writing the release of such information. All advisory opinions~~
65 | ~~shall be open to inspection except that the identity of the~~
66 | ~~member shall not be disclosed in the opinion unless the member~~
67 | ~~requesting the opinion authorizes in writing the release of such~~
68 | ~~information.~~

69 | (d)-(i) Portions of correspondence held by the legislative
70 | branch which, if disclosed, would reveal: information otherwise
71 | exempt from disclosure by law; an individual's medical
72 | treatment, history, or condition; the identity or location of an
73 | individual if there is a substantial likelihood that releasing
74 | such information would jeopardize the health or safety of that
75 | individual; or information regarding physical abuse, child
76 | abuse, spouse abuse, or abuse of the elderly.

77 | Section 2. This act shall take effect July 1, 2011.