

HB 7031

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1 A bill to be entitled
 2 An act relating to the Open Government Sunset Review Act;
 3 amending ss. 27.151, 378.406, 400.0077, 403.111, and
 4 655.0321, F.S.; correcting cross-references to a repealed
 5 section of Florida Statutes; providing an effective date.
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7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Section 27.151, Florida Statutes, is amended to
 10 read:

11 27.151 Confidentiality of specified executive orders;
 12 criteria.—

13 (1) If the Governor provides in an executive order issued
 14 pursuant to s. 27.14 or s. 27.15 that the order or a portion
 15 thereof is confidential, the order or portion so designated, the
 16 application of the Governor to the Supreme Court and all
 17 proceedings thereon, and the order of the Supreme Court shall be
 18 confidential and exempt from the provisions of s. 119.07(1).

19 (2) The Governor shall base his or her decision to make an
 20 executive order confidential on the criteria set forth in s.
 21 119.15(6)(b) ~~119.14~~.

22 (3) To maintain the confidentiality of the executive
 23 order, the state attorney, upon entering the circuit of
 24 assignment, shall immediately have the executive order sealed by
 25 the court prior to filing it with the clerk of the circuit
 26 court. The Governor may make public any executive order issued
 27 pursuant to s. 27.14 or s. 27.15 by a subsequent executive
 28 order, and at the expiration of a confidential executive order

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29 | or any extensions thereof, the executive order and all
 30 | associated orders and reports shall be open to the public
 31 | pursuant to chapter 119 unless the information contained in the
 32 | executive order is confidential pursuant to the provisions of
 33 | chapter 39, chapter 415, chapter 984, or chapter 985.

34 | Section 2. Paragraph (a) of subsection (1) of section
 35 | 378.406, Florida Statutes, is amended to read:

36 | 378.406 Confidentiality of records; availability of
 37 | information.—

38 | (1) (a) Any information relating to prospecting, rock
 39 | grades, or secret processes or methods of operation which may be
 40 | required, ascertained, or discovered by inspection or
 41 | investigation shall be exempt from the provisions of s.
 42 | 119.07(1), shall not be disclosed in public hearings, and shall
 43 | be kept confidential by any member, officer, or employee of the
 44 | department, if the applicant requests the department to keep
 45 | such information confidential and informs the department of the
 46 | basis for such confidentiality. Should the secretary determine
 47 | that such information requested to be kept confidential shall
 48 | not be kept confidential, the secretary shall provide the
 49 | operator with not less than 30 days' notice of his or her intent
 50 | to release the information. When making his or her
 51 | determination, the secretary shall consider the public purposes
 52 | specified in s. 119.15(6)(b) ~~119.14(4)(b)~~.

53 | Section 3. Paragraph (c) of subsection (1) of section
 54 | 400.0077, Florida Statutes, is amended to read:

55 | 400.0077 Confidentiality.—

56 | (1) The following are confidential and exempt from the

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57 provisions of s. 119.07(1):

58 (c) Any other information about a complaint, including any
59 problem identified by an ombudsman council as a result of an
60 investigation, unless an ombudsman council determines that the
61 information does not meet any of the criteria specified in s.
62 119.15(6)(b) ~~119.14(4)(b)~~; or unless the information is to
63 collect data for submission to those entities specified in s.
64 712(c) of the federal Older Americans Act for the purpose of
65 identifying and resolving significant problems.

66 Section 4. Subsection (1) of section 403.111, Florida
67 Statutes, is amended to read:

68 403.111 Confidential records.—

69 (1) Any information, other than effluent data and those
70 records described in 42 U.S.C. s. 7661a(b)(8), relating to
71 secret processes or secret methods of manufacture or production,
72 or relating to costs of production, profits, or other financial
73 information which is otherwise not public record, which may be
74 required, ascertained, or discovered by inspection or
75 investigation shall be exempt from the provisions of s.
76 119.07(1), shall not be disclosed in public hearings, and shall
77 be kept confidential by any member, officer, or employee of the
78 department, upon a showing satisfactory to the department that
79 the information should be kept confidential. The person from
80 whom the information is obtained must request that the
81 department keep such information confidential and must inform
82 the department of the basis for the claim of confidentiality.
83 The department shall, subject to notice and opportunity for
84 hearing, determine whether the information requested to be kept

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85 confidential should or should not be kept confidential. The
86 department shall determine whether the information submitted
87 should be kept confidential pursuant to the public purpose test
88 as stated in s. 119.15(6)(b)3. ~~119.14(4)(b)3.~~

89 Section 5. Section 655.0321, Florida Statutes, is amended
90 to read:

91 655.0321 Restricted access to certain hearings,
92 proceedings, and related documents.—The office shall consider
93 the public purposes specified in s. 119.15(6)(b) ~~119.14(4)(b)~~ in
94 determining whether the hearings and proceedings conducted
95 pursuant to s. 655.033 for the issuance of cease and desist
96 orders and s. 655.037 for the issuance of suspension or removal
97 orders shall be closed and exempt from the provisions of s.
98 286.011, and whether related documents shall be confidential and
99 exempt from the provisions of s. 119.07(1).

100 Section 6. This act shall take effect July 1, 2011.