

1 A bill to be entitled

2 An act relating to public records and meetings;
3 amending s. 119.011, F.S.; providing and revising
4 definitions; amending s. 119.07, F.S.; providing that
5 public records requests need not be in writing unless
6 otherwise required by law; requiring the custodian of
7 public records to provide a statutory citation to the
8 requester if a written request is required;
9 restricting the special service charge assessed by an
10 agency in producing records; amending s. 119.0701,
11 F.S.; revising contract requirements between a public
12 agency and a contractor; creating s. 119.0702, F.S.;
13 requiring each agency to provide employee training on
14 the requirements of chapter 119, F.S.; amending s.
15 119.12, F.S.; specifying a reasonable cost of
16 enforcement; providing that a party filing an action
17 against certain agencies is not required to serve a
18 copy of a pleading claiming attorney fees on the
19 Department of Financial Services; requiring an agency
20 to provide notice of such pleading to the department;
21 authorizing the department to join the agency in
22 defense of such suit; amending s. 286.011, F.S.;
23 providing that a party filing an enforcement action
24 against a board or commission of a state agency is not
25 required to serve a copy of a pleading claiming
26 attorney fees on the department; requiring the board

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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27 or commission to provide notice of such pleading to
 28 the department; authorizing the department to join the
 29 board or commission in defense of such suit; amending
 30 ss. 257.35, 383.402, 497.140, 627.311, 627.351,
 31 943.031, and 943.0313, F.S.; conforming cross-
 32 references; providing an effective date.

33

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

35

36 Section 1. Section 119.011, Florida Statutes, is amended
 37 to read:

38 119.011 Definitions.—As used in this chapter, the term:

39 (1) "Actual cost of duplication" means the cost of the
 40 material and supplies used to duplicate the public record, but
 41 does not include labor cost or overhead cost associated with
 42 such duplication.

43 (2) "Agency" means any state, county, district, authority,
 44 or municipal officer, department, division, board, bureau,
 45 commission, or other separate unit of government created or
 46 established by law including, for the purposes of this chapter,
 47 the Commission on Ethics, the Public Service Commission, ~~and~~ the
 48 Office of Public Counsel, and any other public or private
 49 agency, person, partnership, corporation, or business entity
 50 acting on behalf of any public agency.

51 (3) "Confidential and exempt" means that a record or
 52 information is not subject to inspection or copying except as

53 authorized by statute.

54 (4) (a) ~~(3) (a)~~ "Criminal intelligence information" means
 55 information with respect to an identifiable person or group of
 56 persons collected by a criminal justice agency in an effort to
 57 anticipate, prevent, or monitor possible criminal activity.

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

65 (c) "Criminal intelligence information" and "criminal
 66 investigative information" do ~~shall~~ not include:

- 67 1. The time, date, location, and nature of a reported
 68 crime.
- 69 2. The name, sex, age, and address of a person arrested or
 70 of the victim of a crime except as provided in s. 119.071(2) (h).
- 71 3. The time, date, and location of the incident and of the
 72 arrest.
- 73 4. The crime charged.
- 74 5. Documents given or required by law or agency rule to be
 75 given to the person arrested, except as provided in s.
 76 119.071(2) (h), and, except that the court in a criminal case may
 77 order that certain information required by law or agency rule to
 78 be given to the person arrested be maintained in a confidential

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

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

84 b. Impair the ability of a state attorney to locate or
 85 prosecute a codefendant.

86 6. Informations and indictments except as provided in s.
 87 905.26.

88 (d) With the exception of information in cases that are
 89 barred from prosecution under s. 775.15 or another statute of
 90 limitation, the term word "active" has shall have the following
 91 meaning:

92 1. Criminal intelligence information is shall be
 93 considered "active" if as long as it is related to intelligence
 94 gathering conducted with a reasonable, good faith belief that it
 95 will lead to detection of ongoing or reasonably anticipated
 96 criminal activities.

97 2. Criminal investigative information is shall be
 98 considered "active" if as long as it is related to an ongoing
 99 investigation that is being conducted ~~which is continuing~~ with a
 100 reasonable, good faith anticipation of securing an arrest or
 101 prosecution in the foreseeable future.

102 3. ~~In addition,~~ Criminal intelligence information and
 103 criminal investigative information are shall be considered
 104 "active" if while such information is directly related to

105 pending prosecutions or appeals. ~~The word "active" shall not~~
 106 ~~apply to information in cases which are barred from prosecution~~
 107 ~~under the provisions of s. 775.15 or other statute of~~
 108 ~~limitation.~~

109 (5)~~(4)~~ "Criminal justice agency" means:

110 (a) A ~~Any~~ law enforcement agency, court, or prosecutor;

111 (b) Another ~~Any other~~ agency charged by law with criminal
 112 law enforcement duties;

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

122 (d) The Department of Corrections.

123 (6)~~(5)~~ "Custodian of public records" means the elected or
 124 appointed state, county, or municipal officer charged with the
 125 responsibility of maintaining the office having public records,
 126 or his or her designee.

127 (7)~~(6)~~ "Data processing software" means the programs and
 128 routines used to employ and control the capabilities of data
 129 processing hardware, including, but not limited to, operating
 130 systems, compilers, assemblers, utilities, library routines,

131 maintenance routines, applications, and computer networking
132 programs.

133 (8)~~(7)~~ "Duplicated copies" means new copies produced by
134 duplicating, as defined in s. 283.30.

135 (9) "Exempt" means that a record or information is not
136 subject to inspection or copying unless the custodian of public
137 records determines, in his or her discretion, that inspection or
138 copying is appropriate.

139 (10)~~(8)~~ "Exemption" means a provision of general law which
140 provides that a specified record or meeting, or portion thereof,
141 is not subject to the access requirements of s. 119.07(1), s.
142 286.011, or s. 24, Art. I of the State Constitution.

143 (11)~~(9)~~ "Information technology resources" means data
144 processing hardware and software and services, communications,
145 supplies, personnel, facility resources, maintenance, and
146 training.

147 (12)~~(10)~~ "Paratransit" has the same meaning as provided in
148 s. 427.011.

149 (13)~~(11)~~ "Proprietary software" means data processing
150 software that is protected by copyright or trade secret laws.

151 (14)~~(12)~~ "Public records" means all documents, papers,
152 letters, maps, books, tapes, photographs, films, sound
153 recordings, data processing software, or other material,
154 regardless of the physical form, characteristics, or means of
155 transmission, made or received pursuant to law or ordinance or
156 in connection with the transaction of official business by any

157 agency.

158 (15)~~(13)~~ "Redact" means to conceal from a copy of an
 159 original public record, or to conceal from an electronic image
 160 that is available for public viewing, that portion of the record
 161 containing exempt or confidential information.

162 (16)~~(14)~~ "Sensitive," as it relates to ~~for purposes of~~
 163 ~~defining~~ agency-produced software ~~that is sensitive~~, means only
 164 those portions of the ~~data processing~~ software, including the
 165 specifications and documentation, which are used to:

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

168 (b) Collect, process, store, and retrieve financial
 169 management information of the agency, such as payroll and
 170 accounting records; or

171 (c) Control and direct access authorizations and security
 172 measures for automated systems.

173 Section 2. Present paragraphs (c) through (i) of
 174 subsection (1) of section 119.07, Florida Statutes, are
 175 redesignated as paragraphs (d) through (j), respectively,
 176 present paragraph (i) of that subsection is amended, a new
 177 paragraph (c) is added to that subsection, and paragraph (d) of
 178 subsection (4) of that section is amended, to read:

179 119.07 Inspection and copying of records; photographing
 180 public records; fees; exemptions.—

181 (1)

182 (c) A public records request need not be made in writing

183 unless otherwise required by law. If a written request is
 184 required by law, the custodian of public records must provide
 185 the statutory citation to the requester.

186 (j)~~(i)~~ The absence of a civil action instituted for the
 187 purpose stated in paragraph (h) ~~(g)~~ does not relieve the
 188 custodian of public records of the duty to maintain the record
 189 as a public record if the record is in fact a public record
 190 subject to public inspection and copying under this subsection
 191 and does not otherwise excuse or exonerate the custodian of
 192 public records from any unauthorized or unlawful disposition of
 193 such record.

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

198 (d) If the nature or volume of public records requested to
 199 be inspected or copied pursuant to this subsection is such as to
 200 require extensive use of information technology resources or
 201 extensive clerical or supervisory assistance by personnel of the
 202 agency involved, or both, the agency may charge, in addition to
 203 the actual cost of duplication, a reasonable special service
 204 charge, ~~which shall be reasonable and shall be~~ based on the
 205 actual cost incurred or attributable to the agency for such
 206 extensive use of information technology resources or the labor
 207 cost of the personnel providing the service that is actually
 208 incurred by the agency or attributable to the agency for the

209 clerical and supervisory assistance required, or both. The cost
 210 of clerical or supervisory assistance may not exceed the rate of
 211 the lowest paid personnel that the agency reasonably determines
 212 are capable of providing such clerical or supervisory
 213 assistance, and excludes employer-paid health insurance premiums
 214 and other employer-paid benefits.

215 Section 3. Subsection (2) of section 119.0701, Florida
 216 Statutes, is amended to read:

217 119.0701 Contracts; public records.—

218 (2) In addition to other contract requirements provided by
 219 law, each ~~public agency~~ contract between a public agency and a
 220 contractor ~~for services~~ must include a provision that requires
 221 the contractor to comply with public records laws, specifically
 222 to:

223 (a) Keep and maintain public records that ordinarily and
 224 necessarily would be required by the public agency in order to
 225 perform the service.

226 (b) Provide the public with access to public records on
 227 the same terms and conditions that the public agency would
 228 provide the records and at a cost that does not exceed the cost
 229 provided in this chapter or as otherwise provided by law.

230 (c) Ensure that public records that are exempt or
 231 confidential and exempt from public records disclosure
 232 requirements are not disclosed except as authorized by law.

233 (d) Meet all requirements for retaining public records and
 234 transfer~~r~~ at no cost~~r~~ to the public agency all public records in

235 possession of the contractor upon termination of the contract
 236 and destroy any duplicate public records that are exempt or
 237 confidential and exempt from public records disclosure
 238 requirements. All records stored electronically must be provided
 239 to the public agency in a format that is compatible with the
 240 information technology systems of the public agency.

241 (e) Notify the public agency's custodian of public records
 242 before denying a request to inspect or copy a record held by the
 243 contractor. This requirement does not impose any additional duty
 244 on the public agency.

245 (f) Notify the public agency if the contractor is served
 246 with a civil action to enforce the provisions of this chapter.
 247 This requirement does not impose any additional duty on the
 248 public agency.

249 Section 4. Section 119.0702, Florida Statutes, is created
 250 to read:

251 119.0702 Training of agency staff.—Each agency must
 252 provide training on the requirements of this chapter to each of
 253 its employees. The training provided shall be commensurate with
 254 an employee's duties.

255 Section 5. Section 119.12, Florida Statutes, is amended to
 256 read:

257 119.12 Attorney ~~Attorney's~~ fees.—

258 (1) If a civil action is filed against an agency to
 259 enforce the provisions of this chapter and if the court
 260 determines that such agency unlawfully refused to permit a

261 public record to be inspected or copied, the court shall assess
 262 and award~~7~~ against the ~~agency~~ responsible agency~~7~~ the reasonable
 263 costs of enforcement ~~including reasonable attorneys' fees.~~

264 (2) The reasonable costs of enforcement include, but are
 265 not limited to, reasonable attorney fees, including those fees
 266 incurred in litigating entitlement to, and the determination or
 267 quantification of, attorney fees for the underlying civil
 268 action. At a minimum, the court shall award the reasonable costs
 269 of enforcement for those counts upon which the plaintiff
 270 prevailed.

271 (3) Notwithstanding s. 284.30, a party filing an action
 272 against the state or any of its agencies covered by the State
 273 Risk Management Trust Fund to enforce the provisions of this
 274 chapter is not required to serve a copy of the pleading claiming
 275 attorney fees on the Department of Financial Services. In order
 276 to have attorney fees paid by the State Risk Management Trust
 277 Fund, the agency against whom the action is brought shall
 278 provide notice to the department of the pleading claiming
 279 attorney fees upon receipt. The department may participate with
 280 the agency in the defense of the suit and any appeal thereof
 281 with respect to the attorney fees.

282 Section 6. Subsection (4) of section 286.011, Florida
 283 Statutes, is amended to read:

284 286.011 Public meetings and records; public inspection;
 285 criminal and civil penalties.—

286 (4) (a) Whenever an action has been filed against a ~~any~~

287 board or commission of a ~~any~~ state agency or authority or an ~~any~~
288 agency or authority of a ~~any~~ county, municipal corporation, or
289 political subdivision to enforce the provisions of this section
290 or to invalidate the actions of any such board, commission,
291 agency, or authority, which action was taken in violation of
292 this section, and the court determines that the defendant or
293 defendants to such action acted in violation of this section,
294 the court shall assess a reasonable attorney ~~attorney's~~ fee
295 against such agency, and may assess a reasonable attorney
296 ~~attorney's~~ fee against the individual filing such an action if
297 the court finds it was filed in bad faith or was frivolous. Any
298 fees so assessed may be assessed against the individual member
299 or members of such board or commission; provided, that in any
300 case where the board or commission seeks the advice of its
301 attorney and such advice is followed, ~~no~~ such fees may not ~~shall~~
302 be assessed against the individual member or members of the
303 board or commission. However, this subsection does ~~shall~~ not
304 apply to a state attorney or his or her duly authorized
305 assistants or any officer charged with enforcing the provisions
306 of this section.

307 (b) Notwithstanding s. 284.30, a party filing an action to
308 enforce the provisions of this section against a board or
309 commission of a state agency is not required to serve a copy of
310 the pleading claiming attorney fees on the Department of
311 Financial Services. In order to have attorney fees paid by the
312 State Risk Management Trust Fund, the board or commission

313 against whom the action is brought shall provide notice to the
 314 department of the pleading claiming attorney fees upon receipt.
 315 The department may participate with the board or commission in
 316 the defense of the suit and any appeal thereof with respect to
 317 the attorney fees.

318 Section 7. Subsection (1) of section 257.35, Florida
 319 Statutes, is amended to read:

320 257.35 Florida State Archives.—

321 (1) There is created within the Division of Library and
 322 Information Services of the Department of State the Florida
 323 State Archives for the preservation of those public records, as
 324 defined in s. 119.011 ~~s. 119.011(12)~~, manuscripts, and other
 325 archival material that have been determined by the division to
 326 have sufficient historical or other value to warrant their
 327 continued preservation and have been accepted by the division
 328 for deposit in its custody. It is the duty and responsibility of
 329 the division to:

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

331 (b) Preserve and administer any such records ~~as shall be~~
 332 transferred to its custody; accept, arrange, and preserve them,
 333 according to approved archival practices; and allow ~~permit~~ them,
 334 at reasonable times and under the supervision of the division,
 335 to be inspected and copied.

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

338 (d) Cooperate with and assist, insofar ~~insofar~~ as practicable,

339 state institutions, departments, agencies, counties,
340 municipalities, and individuals engaged in activities in the
341 field of state archives, manuscripts, and history and accept
342 from any person any paper, book, record, or similar material
343 that ~~which~~ in the judgment of the division warrants preservation
344 in the state archives.

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

348 (f) Conduct, promote, and encourage research in Florida
349 history, government, and culture and maintain a program of
350 information, assistance, coordination, and guidance for public
351 officials, educational institutions, libraries, the scholarly
352 community, and the general public engaged in such research.

353 (g) Cooperate with and, ~~insofar~~ as practicable, assist
354 agencies, libraries, institutions, and individuals in projects
355 designed to preserve original source materials relating to
356 Florida history, government, and culture and prepare and publish
357 handbooks, guides, indexes, and other literature directed toward
358 encouraging the preservation and use of the state's documentary
359 resources.

360 (h) Encourage and initiate efforts to preserve, collect,
361 process, transcribe, index, and research the oral history of
362 Florida government.

363 (i) Assist and cooperate with the records and information
364 management program in the training and information program

365 described in s. 257.36(1)(g).

366 Section 8. Subsection (9) of section 383.402, Florida
 367 Statutes, is amended to read:

368 383.402 Child abuse death review; State Child Abuse Death
 369 Review Committee; local child abuse death review committees.—

370 (9) The State Child Abuse Death Review Committee or a
 371 local committee shall have access to all information of a law
 372 enforcement agency which is not the subject of an active
 373 investigation and which pertains to the review of the death of a
 374 child. A committee may not disclose ~~any~~ information that is not
 375 subject to public disclosure by the law enforcement agency, and
 376 active criminal intelligence information or criminal
 377 investigative information, as defined in s. 119.011 ~~s.~~
 378 ~~119.011(3)~~, may not be made available for review or access under
 379 this section.

380 Section 9. Subsection (5) of section 497.140, Florida
 381 Statutes, is amended to read:

382 497.140 Fees.—

383 (5) The department shall charge a fee not to exceed \$25
 384 for the certification of a public record. The fee shall be
 385 determined by rule of the department. The department shall
 386 assess a fee for duplication of a public record as provided in
 387 s. 119.07(4) ~~s. 119.07(1)(a) and (e)~~.

388 Section 10. Paragraph (b) of subsection (4) of section
 389 627.311, Florida Statutes, is amended to read:

390 627.311 Joint underwriters and joint reinsurers; public

391 records and public meetings exemptions.—

392 (4) The Florida Automobile Joint Underwriting Association:

393 (b) Shall keep portions of association meetings during
 394 which confidential and exempt underwriting files or confidential
 395 and exempt claims files are discussed exempt from the provisions
 396 of s. 286.011 and s. 24(b), Art. I of the State Constitution.

397 All closed portions of association meetings shall be recorded by
 398 a court reporter. The court reporter shall record the times of
 399 commencement and termination of the meeting, all discussion and
 400 proceedings, the names of all persons present at any time, and
 401 the names of all persons speaking. No portion of any closed
 402 meeting shall be off the record. Subject to the provisions of
 403 this paragraph and s. 119.07(1)(e)-(g) ~~s. 119.07(1)(d)-(f)~~, the
 404 court reporter's notes of any closed meeting shall be retained
 405 by the association for a minimum of 5 years. A copy of the
 406 transcript, less any confidential and exempt information, of any
 407 closed meeting during which confidential and exempt claims files
 408 are discussed shall become public as to individual claims files
 409 after settlement of that claim.

410 Section 11. Paragraph (x) of subsection (6) of section
 411 627.351, Florida Statutes, is amended to read:

412 627.351 Insurance risk apportionment plans.—

413 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

414 (x)1. The following records of the corporation are
 415 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
 416 s. 24(a), Art. I of the State Constitution:

417 a. Underwriting files, except that a policyholder or an
418 applicant shall have access to his or her own underwriting
419 files. Confidential and exempt underwriting file records may
420 also be released to other governmental agencies upon written
421 request and demonstration of need; such records held by the
422 receiving agency remain confidential and exempt as provided
423 herein.

424 b. Claims files, until termination of all litigation and
425 settlement of all claims arising out of the same incident,
426 although portions of the claims files may remain exempt, as
427 otherwise provided by law. Confidential and exempt claims file
428 records may be released to other governmental agencies upon
429 written request and demonstration of need; such records held by
430 the receiving agency remain confidential and exempt as provided
431 herein.

432 c. Records obtained or generated by an internal auditor
433 pursuant to a routine audit, until the audit is completed, or if
434 the audit is conducted as part of an investigation, until the
435 investigation is closed or ceases to be active. An investigation
436 is considered "active" while the investigation is being
437 conducted with a reasonable, good faith belief that it could
438 lead to the filing of administrative, civil, or criminal
439 proceedings.

440 d. Matters reasonably encompassed in privileged attorney-
441 client communications.

442 e. Proprietary information licensed to the corporation

443 under contract and the contract provides for the confidentiality
444 of such proprietary information.

445 f. All information relating to the medical condition or
446 medical status of a corporation employee which is not relevant
447 to the employee's capacity to perform his or her duties, except
448 as otherwise provided in this paragraph. Information that is
449 exempt shall include, but is not limited to, information
450 relating to workers' compensation, insurance benefits, and
451 retirement or disability benefits.

452 g. Upon an employee's entrance into the employee
453 assistance program, a program to assist any employee who has a
454 behavioral or medical disorder, substance abuse problem, or
455 emotional difficulty which affects the employee's job
456 performance, all records relative to that participation shall be
457 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
458 s. 24(a), Art. I of the State Constitution, except as otherwise
459 provided in s. 112.0455(11).

460 h. Information relating to negotiations for financing,
461 reinsurance, depopulation, or contractual services, until the
462 conclusion of the negotiations.

463 i. Minutes of closed meetings regarding underwriting
464 files, and minutes of closed meetings regarding an open claims
465 file until termination of all litigation and settlement of all
466 claims with regard to that claim, except that information
467 otherwise confidential or exempt by law shall be redacted.

468 2. If an authorized insurer is considering underwriting a

469 risk insured by the corporation, relevant underwriting files and
470 confidential claims files may be released to the insurer
471 provided the insurer agrees in writing, notarized and under
472 oath, to maintain the confidentiality of such files. If a file
473 is transferred to an insurer, that file is no longer a public
474 record because it is not held by an agency subject to the
475 provisions of the public records law. Underwriting files and
476 confidential claims files may also be released to staff and the
477 board of governors of the market assistance plan established
478 pursuant to s. 627.3515, who must retain the confidentiality of
479 such files, except such files may be released to authorized
480 insurers that are considering assuming the risks to which the
481 files apply, provided the insurer agrees in writing, notarized
482 and under oath, to maintain the confidentiality of such files.
483 Finally, the corporation or the board or staff of the market
484 assistance plan may make the following information obtained from
485 underwriting files and confidential claims files available to
486 licensed general lines insurance agents: name, address, and
487 telephone number of the residential property owner or insured;
488 location of the risk; rating information; loss history; and
489 policy type. The receiving licensed general lines insurance
490 agent must retain the confidentiality of the information
491 received.

492 3. A policyholder who has filed suit against the
493 corporation has the right to discover the contents of his or her
494 own claims file to the same extent that discovery of such

495 contents would be available from a private insurer in litigation
496 as provided by the Florida Rules of Civil Procedure, the Florida
497 Evidence Code, and other applicable law. Pursuant to subpoena, a
498 third party has the right to discover the contents of an
499 insured's or applicant's underwriting or claims file to the same
500 extent that discovery of such contents would be available from a
501 private insurer by subpoena as provided by the Florida Rules of
502 Civil Procedure, the Florida Evidence Code, and other applicable
503 law, and subject to any confidentiality protections requested by
504 the corporation and agreed to by the seeking party or ordered by
505 the court. The corporation may release confidential underwriting
506 and claims file contents and information as it deems necessary
507 and appropriate to underwrite or service insurance policies and
508 claims, subject to any confidentiality protections deemed
509 necessary and appropriate by the corporation.

510 4. Portions of meetings of the corporation are exempt from
511 ~~the provisions of~~ s. 286.011 and s. 24(b), Art. I of the State
512 Constitution wherein confidential underwriting files or
513 confidential open claims files are discussed. All portions of
514 corporation meetings which are closed to the public shall be
515 recorded by a court reporter. The court reporter shall record
516 the times of commencement and termination of the meeting, all
517 discussion and proceedings, the names of all persons present at
518 any time, and the names of all persons speaking. No portion of
519 any closed meeting shall be off the record. Subject to the
520 provisions hereof and s. 119.07(1)(e)-(g) ~~s. 119.07(1)(d)-(f)~~,

521 the court reporter's notes of any closed meeting shall be
522 retained by the corporation for a minimum of 5 years. A copy of
523 the transcript, less any exempt matters, of any closed meeting
524 wherein claims are discussed shall become public as to
525 individual claims after settlement of the claim.

526 Section 12. Paragraph (b) of subsection (9) of section
527 943.031, Florida Statutes, is amended to read:

528 943.031 Florida Violent Crime and Drug Control Council.—

529 (9) CONFIDENTIALITY; EXEMPTED PORTIONS OF COUNCIL MEETINGS
530 AND RECORDS.—

531 (b) The Florida Violent Crime and Drug Control Council is
532 ~~shall be~~ considered a "criminal justice agency," as that term is
533 defined in s. 119.011 ~~within the definition of s. 119.011(4).~~

534 Section 13. Subsection (7) of section 943.0313, Florida
535 Statutes, is amended to read:

536 943.0313 Domestic Security Oversight Council.—The
537 Legislature finds that there exists a need to provide executive
538 direction and leadership with respect to terrorism prevention,
539 preparation, protection, response, and recovery efforts by state
540 and local agencies in this state. In recognition of this need,
541 the Domestic Security Oversight Council is hereby created. The
542 council shall serve as an advisory council pursuant to s.
543 20.03(7) to provide guidance to the state's regional domestic
544 security task forces and other domestic security working groups
545 and to make recommendations to the Governor and the Legislature
546 regarding the expenditure of funds and allocation of resources

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547 related to counter-terrorism and domestic security efforts.

548 (7) AGENCY DESIGNATION.—For purposes of this section, the
549 Domestic Security Oversight Council is ~~shall be~~ considered a
550 criminal justice agency, as that term is defined in s. 119.011
551 ~~within the definition of s. 119.011(4)~~.

552 Section 14. This act shall take effect July 1, 2014.