

**FOR CONSIDERATION** By the Committee on Governmental Oversight and Accountability

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1                                   A bill to be entitled  
2       An act relating to public records and meetings;  
3       amending s. 119.01, F.S.; revising the general state  
4       policy on public records; authorizing a person to make  
5       a request to inspect or copy a public record at  
6       certain agency offices; requiring certain information  
7       be open for inspection and copying if public funds are  
8       used in payment of dues or membership contributions;  
9       providing an exception; amending s. 119.011, F.S.;  
10      defining the terms "confidential and exempt" and  
11      "exempt"; amending s. 119.07, F.S.; providing that  
12      public records requests need not be in writing unless  
13      otherwise required by law; requiring the custodian of  
14      public records to provide a statutory citation to the  
15      requester if a written request is required;  
16      restricting the special service charge assessed by an  
17      agency in producing records; amending s. 119.0701,  
18      F.S.; revising contract requirements between a public  
19      agency and a contractor; creating s. 119.0702, F.S.;  
20      requiring each agency to provide training on the  
21      requirements of ch. 119, F.S.; amending s. 119.12,  
22      F.S.; specifying a reasonable cost of enforcement;  
23      providing that a party filing an action against  
24      certain agencies is not required to serve a copy of a  
25      pleading claiming attorney fees on the Department of  
26      Financial Services; requiring an agency to provide  
27      notice of such pleading to the department; authorizing  
28      the department to join the agency in defense of such  
29      suit; amending s. 286.011, F.S.; providing that a

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30 party filing an enforcement action against a board or  
31 commission of a state agency is not required to serve  
32 a copy of a pleading claiming attorney fees on the  
33 Department of Financial Services; requiring the board  
34 or commission to provide notice of such pleading to  
35 the department; authorizing the department to join the  
36 board or commission in defense of such suit; amending  
37 ss. 257.35, 383.402, 497.140, 627.311, 627.351,  
38 943.031, and 943.0313; conforming cross-references to  
39 changes made by the act; providing an effective date.  
40

41 Be It Enacted by the Legislature of the State of Florida:  
42

43 Section 1. Subsection (3) of section 119.01, Florida  
44 Statutes, is amended to read:

45 119.01 General state policy on public records.—

46 (3) (a) Any person may make a request to inspect or copy a  
47 public record of an agency at any office of the respective  
48 agency that is open to receive and provide government services  
49 to the public. This subsection does not require that the  
50 requested record be provided at the office at which the request  
51 is made.

52 (b) If Public funds may not be ~~are~~ expended by an agency in  
53 payment of dues or membership contributions to a ~~for any~~ person,  
54 as defined in s. 1.01, unless the following ~~corporation,~~  
55 ~~foundation, trust, association, group, or other organization,~~  
56 all the financial, business, and membership records of such  
57 person are open for inspection and copying: ~~that person,~~  
58 ~~corporation, foundation, trust, association, group, or other~~

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59 ~~organization which pertain to the public agency are public~~  
60 ~~records and subject to the provisions of s. 119.07~~

61 1. All financial, business, and membership records that  
62 pertain to the agency from which or on whose behalf the payment  
63 of dues or membership contribution is made.

64 2. Any other record that a person has shared publicly, or  
65 has presented to or shared with its members generally for no  
66 cost other than the payment of dues or membership contributions.

67 (c) Information that is otherwise made confidential or  
68 exempt pursuant to state or federal law is not subject to  
69 paragraph (b).

70 Section 2. Section 119.011, Florida Statutes, is amended to  
71 read:

72 119.011 Definitions.—As used in this chapter, the term:

73 (1) "Actual cost of duplication" means the cost of the  
74 material and supplies used to duplicate the public record, but  
75 does not include labor cost or overhead cost associated with  
76 such duplication.

77 (2) "Agency" means any state, county, district, authority,  
78 or municipal officer, department, division, board, bureau,  
79 commission, or other separate unit of government created or  
80 established by law including, for the purposes of this chapter,  
81 the Commission on Ethics, the Public Service Commission, ~~and~~ the  
82 Office of Public Counsel, and any other public or private  
83 agency, person, partnership, corporation, or business entity  
84 acting on behalf of any public agency.

85 (3) "Confidential and exempt" means a record or information  
86 that, pursuant to a specific statutory exemption, is not subject  
87 to inspection or copying by the public and may be released only

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88 to those persons and entities designated in the exemption.

89 (4) (a) (3) (a) "Criminal intelligence information" means  
90 information with respect to an identifiable person or group of  
91 persons collected by a criminal justice agency in an effort to  
92 anticipate, prevent, or monitor possible criminal activity.

93 (b) "Criminal investigative information" means information  
94 with respect to an identifiable person or group of persons  
95 compiled by a criminal justice agency in the course of  
96 conducting a criminal investigation of a specific act or  
97 omission, including, but not limited to, information derived  
98 from laboratory tests, reports of investigators or informants,  
99 or any type of surveillance.

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

- 102 1. The time, date, location, and nature of a reported  
103 crime.
- 104 2. The name, sex, age, and address of a person arrested or  
105 of the victim of a crime except as provided in s. 119.071(2)(h).
- 106 3. The time, date, and location of the incident and of the  
107 arrest.
- 108 4. The crime charged.
- 109 5. Documents given or required by law or agency rule to be  
110 given to the person arrested, except as provided in s.  
111 119.071(2)(h), and, except that the court in a criminal case may  
112 order that certain information required by law or agency rule to  
113 be given to the person arrested be maintained in a confidential  
114 manner and exempt from the provisions of s. 119.07(1) until  
115 released at trial if it is found that the release of such  
116 information would:

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

119 b. Impair the ability of a state attorney to locate or  
120 prosecute a codefendant.

121 6. Informations and indictments except as provided in s.  
122 905.26.

123 (d) With the exception of information in cases that are  
124 barred from prosecution under s. 775.15 or another statute of  
125 limitation, the term ~~word~~ "active" has ~~shall have~~ the following  
126 meaning:

127 1. Criminal intelligence information is ~~shall be~~ considered  
128 "active" if ~~as long as~~ it is related to intelligence gathering  
129 conducted with a reasonable, good faith belief that it will lead  
130 to detection of ongoing or reasonably anticipated criminal  
131 activities.

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

137 3. In addition, Criminal intelligence information and  
138 criminal investigative information are ~~shall be~~ considered  
139 "active" if ~~while~~ such information is directly related to  
140 pending prosecutions or appeals. ~~The word "active" shall not~~  
141 ~~apply to information in cases which are barred from prosecution~~  
142 ~~under the provisions of s. 775.15 or other statute of~~  
143 ~~limitation.~~

144 (5)-(4) "Criminal justice agency" means:

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

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

148 (c) An ~~Any~~ agency having custody of criminal intelligence  
149 information or criminal investigative information for the  
150 purpose of assisting such law enforcement agencies in the  
151 conduct of active criminal investigation or prosecution or for  
152 the purpose of litigating civil actions under the Racketeer  
153 Influenced and Corrupt Organization Act, during the time that  
154 such agencies are in possession of criminal intelligence  
155 information or criminal investigative information pursuant to  
156 their criminal law enforcement duties; or

157 (d) The Department of Corrections.

158 (6) ~~(5)~~ "Custodian of public records" means the elected or  
159 appointed state, county, or municipal officer charged with the  
160 responsibility of maintaining the office having public records,  
161 or his or her designee.

162 (7) ~~(6)~~ "Data processing software" means the programs and  
163 routines used to employ and control the capabilities of data  
164 processing hardware, including, but not limited to, operating  
165 systems, compilers, assemblers, utilities, library routines,  
166 maintenance routines, applications, and computer networking  
167 programs.

168 (8) ~~(7)~~ "Duplicated copies" means new copies produced by  
169 duplicating, as defined in s. 283.30.

170 (9) "Exempt" means a record or information that, pursuant  
171 to a specific statutory exemption, is not subject to inspection  
172 or copying by the public. However, such exempt records or  
173 information may be disclosed or made available for inspection or  
174 copying by the public at the discretion of the custodian of

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175 public records, who shall determine whether there is a statutory  
176 or other substantial need for disclosure.

177 (10)~~(8)~~ "Exemption" means a provision of general law which  
178 provides that a specified record or meeting, or portion thereof,  
179 is not subject to the access requirements of s. 119.07(1), s.  
180 286.011, or s. 24, Art. I of the State Constitution.

181 (11)~~(9)~~ "Information technology resources" means data  
182 processing hardware and software and services, communications,  
183 supplies, personnel, facility resources, maintenance, and  
184 training.

185 (12)~~(10)~~ "Paratransit" has the same meaning as provided in  
186 s. 427.011.

187 (13)~~(11)~~ "Proprietary software" means data processing  
188 software that is protected by copyright or trade secret laws.

189 (14)~~(12)~~ "Public records" means all documents, papers,  
190 letters, maps, books, tapes, photographs, films, sound  
191 recordings, data processing software, or other material,  
192 regardless of the physical form, characteristics, or means of  
193 transmission, made or received pursuant to law or ordinance or  
194 in connection with the transaction of official business by any  
195 agency.

196 (15)~~(13)~~ "Redact" means to conceal from a copy of an  
197 original public record, or to conceal from an electronic image  
198 that is available for public viewing, that portion of the record  
199 containing exempt or confidential information.

200 (16)~~(14)~~ "Sensitive," as it relates to ~~for purposes of~~  
201 ~~defining~~ agency-produced software ~~that is sensitive,~~ means only  
202 those portions of the ~~data processing~~ software, including the  
203 specifications and documentation, which are used to:

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

206 (b) Collect, process, store, and retrieve financial  
207 management information of the agency, such as payroll and  
208 accounting records; or

209 (c) Control and direct access authorizations and security  
210 measures for automated systems.

211 Section 3. Present paragraphs (c) through (i) of subsection  
212 (1) of section 119.07, Florida Statutes, are redesignated as  
213 paragraphs (d) through (j), respectively, present paragraph (i)  
214 of that subsection is amended, a new paragraph (c) is added to  
215 that subsection, and paragraph (d) of subsection (4) of that  
216 section is amended, to read:

217 119.07 Inspection and copying of records; photographing  
218 public records; fees; exemptions.-

219 (1)

220 (c) A public records request need not be made in writing  
221 unless otherwise required by law. If a written request is  
222 required by law, the custodian of public records must provide  
223 the statutory citation to the requester.

224 (j)~~(i)~~ The absence of a civil action instituted for the  
225 purpose stated in paragraph (h) ~~(g)~~ does not relieve the  
226 custodian of public records of the duty to maintain the record  
227 as a public record if the record is in fact a public record  
228 subject to public inspection and copying under this subsection  
229 and does not otherwise excuse or exonerate the custodian of  
230 public records from any unauthorized or unlawful disposition of  
231 such record.

232 (4) The custodian of public records shall furnish a copy or



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233 a certified copy of the record upon payment of the fee  
234 prescribed by law. If a fee is not prescribed by law, the  
235 following fees are authorized:

236 (d) If the nature or volume of public records requested to  
237 be inspected or copied pursuant to this subsection is such as to  
238 require extensive use of information technology resources or  
239 extensive clerical or supervisory assistance by personnel of the  
240 agency involved, or both, the agency may charge, in addition to  
241 the actual cost of duplication, a reasonable special service  
242 charge, ~~which shall be reasonable and shall be~~ based on the  
243 actual cost incurred or attributable to the agency for such  
244 extensive use of information technology resources or the labor  
245 cost of the personnel providing the service that is actually  
246 incurred by the agency or attributable to the agency for the  
247 clerical and supervisory assistance required, or both. The cost  
248 of clerical or supervisory assistance may not exceed the rate of  
249 the lowest paid personnel capable of providing such clerical or  
250 supervisory assistance, and excludes employer-paid health  
251 insurance premiums and other employer-paid benefits.

252 Section 4. Subsection (2) of section 119.0701, Florida  
253 Statutes, is amended to read:

254 119.0701 Contracts; public records.—

255 (2) In addition to other contract requirements provided by  
256 law, each ~~public agency~~ contract between a public agency and a  
257 contractor for services must include a provision that requires  
258 the contractor to comply with public records laws, specifically  
259 to:

260 (a) Keep and maintain public records that ordinarily and  
261 necessarily would be required by the public agency in order to

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262 perform the service.

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

267 (c) Ensure that public records that are exempt or  
268 confidential and exempt from public records disclosure  
269 requirements are not disclosed except as authorized by law.

270 (d) Meet all requirements for retaining public records and  
271 transfer~~r~~ at no cost~~r~~ to the public agency all public records in  
272 possession of the contractor upon termination of the contract  
273 and destroy any duplicate public records that are exempt or  
274 confidential and exempt from public records disclosure  
275 requirements. All records stored electronically must be provided  
276 to the public agency in a format that is compatible with the  
277 information technology systems of the public agency.

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

282 (f) Notify the public agency if the contractor is served  
283 with a civil action to enforce the provisions of this chapter.  
284 This requirement does not impose any additional duty on the  
285 public agency.

286 Section 5. Section 119.0702, Florida Statutes, is created  
287 to read:

288 119.0702 Training of agency staff.—Each agency must provide  
289 training on the requirements of this chapter to each of its  
290 employees. The training provided shall be commensurate with an

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291 employee's duties.

292 Section 6. Section 119.12, Florida Statutes, is amended to  
293 read:

294 119.12 Attorney ~~Attorney's~~ fees.-

295 (1) If a civil action is filed against an agency to enforce  
296 the provisions of this chapter and if the court determines that  
297 such agency unlawfully refused to permit a public record to be  
298 inspected or copied, the court shall assess and award, against  
299 the ~~agency~~ responsible agency, the reasonable costs of  
300 enforcement ~~including reasonable attorneys' fees.~~

301 (2) The reasonable costs of enforcement include, but are  
302 not limited to, reasonable attorney fees, including those fees  
303 incurred in litigating entitlement to, and the determination or  
304 quantification of, attorney fees for the underlying civil  
305 action. At a minimum, the court shall award the reasonable costs  
306 of enforcement for those counts upon which the plaintiff  
307 prevailed.

308 (3) Notwithstanding s. 284.30, a party filing an action  
309 against the state or any of its agencies covered by the State  
310 Risk Management Trust Fund to enforce the provisions of this  
311 chapter is not required to serve a copy of the pleading claiming  
312 attorney fees on the Department of Financial Services. In order  
313 to have attorney fees paid by the State Risk Management Trust  
314 Fund, the agency against whom the action is brought shall  
315 provide notice to the department of the pleading claiming  
316 attorney fees upon receipt. The department may participate with  
317 the agency in the defense of the suit and any appeal thereof  
318 with respect to the attorney fees.

319 Section 7. Subsection (4) of section 286.011, Florida

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320 Statutes, is amended to read:

321 286.011 Public meetings and records; public inspection;  
322 criminal and civil penalties.—

323 (4) (a) Whenever an action has been filed against a ~~any~~  
324 board or commission of a ~~any~~ state agency or authority or an ~~any~~  
325 agency or authority of a ~~any~~ county, municipal corporation, or  
326 political subdivision to enforce the provisions of this section  
327 or to invalidate the actions of any such board, commission,  
328 agency, or authority, which action was taken in violation of  
329 this section, and the court determines that the defendant or  
330 defendants to such action acted in violation of this section,  
331 the court shall assess a reasonable attorney ~~attorney's~~ fee  
332 against such agency, and may assess a reasonable attorney  
333 ~~attorney's~~ fee against the individual filing such an action if  
334 the court finds it was filed in bad faith or was frivolous. Any  
335 fees so assessed may be assessed against the individual member  
336 or members of such board or commission; provided, that in any  
337 case where the board or commission seeks the advice of its  
338 attorney and such advice is followed, ~~no~~ such fees may not ~~shall~~  
339 be assessed against the individual member or members of the  
340 board or commission. However, this subsection does ~~shall~~ not  
341 apply to a state attorney or his or her duly authorized  
342 assistants or any officer charged with enforcing the provisions  
343 of this section.

344 (b) Notwithstanding s. 284.30, a party filing an action to  
345 enforce the provisions of this section against a board or  
346 commission of a state agency is not required to serve a copy of  
347 the pleading claiming attorney fees on the Department of  
348 Financial Services. In order to have attorney fees paid by the

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349 State Risk Management Trust Fund, the board or commission  
350 against whom the action is brought shall provide notice to the  
351 department of the pleading claiming attorney fees upon receipt.  
352 The department may participate with the board or commission in  
353 the defense of the suit and any appeal thereof with respect to  
354 the attorney fees.

355 Section 8. Subsection (1) of section 257.35, Florida  
356 Statutes, is amended to read:

357 257.35 Florida State Archives.—

358 (1) There is created within the Division of Library and  
359 Information Services of the Department of State the Florida  
360 State Archives for the preservation of those public records, as  
361 defined in s. 119.011 ~~s. 119.011(12)~~, manuscripts, and other  
362 archival material that have been determined by the division to  
363 have sufficient historical or other value to warrant their  
364 continued preservation and have been accepted by the division  
365 for deposit in its custody. It is the duty and responsibility of  
366 the division to:

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

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

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

375 (d) Cooperate with and assist, ~~insofar~~ as practicable,  
376 state institutions, departments, agencies, counties,  
377 municipalities, and individuals engaged in activities in the

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378 field of state archives, manuscripts, and history and accept  
379 from any person any paper, book, record, or similar material  
380 that ~~which~~ in the judgment of the division warrants preservation  
381 in the state archives.

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

385 (f) Conduct, promote, and encourage research in Florida  
386 history, government, and culture and maintain a program of  
387 information, assistance, coordination, and guidance for public  
388 officials, educational institutions, libraries, the scholarly  
389 community, and the general public engaged in such research.

390 (g) Cooperate with and, ~~insofar~~ as practicable, assist  
391 agencies, libraries, institutions, and individuals in projects  
392 designed to preserve original source materials relating to  
393 Florida history, government, and culture and prepare and publish  
394 handbooks, guides, indexes, and other literature directed toward  
395 encouraging the preservation and use of the state's documentary  
396 resources.

397 (h) Encourage and initiate efforts to preserve, collect,  
398 process, transcribe, index, and research the oral history of  
399 Florida government.

400 (i) Assist and cooperate with the records and information  
401 management program in the training and information program  
402 described in s. 257.36(1)(g).

403 Section 9. Subsection (9) of section 383.402, Florida  
404 Statutes, is amended to read:

405 383.402 Child abuse death review; State Child Abuse Death  
406 Review Committee; local child abuse death review committees.-

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407 (9) The State Child Abuse Death Review Committee or a local  
408 committee shall have access to all information of a law  
409 enforcement agency which is not the subject of an active  
410 investigation and which pertains to the review of the death of a  
411 child. A committee may not disclose ~~any~~ information that is not  
412 subject to public disclosure by the law enforcement agency, and  
413 active criminal intelligence information or criminal  
414 investigative information, as defined in s. 119.011 ~~s.~~  
415 ~~119.011(3)~~, may not be made available for review or access under  
416 this section.

417 Section 10. Subsection (5) of section 497.140, Florida  
418 Statutes, is amended to read:

419 497.140 Fees.—

420 (5) The department shall charge a fee not to exceed \$25 for  
421 the certification of a public record. The fee shall be  
422 determined by rule of the department. The department shall  
423 assess a fee for duplication of a public record as provided in  
424 s. 119.07(4) ~~s. 119.07(1)(a) and (e)~~.

425 Section 11. Paragraph (b) of subsection (4) of section  
426 627.311, Florida Statutes, is amended to read:

427 627.311 Joint underwriters and joint reinsurers; public  
428 records and public meetings exemptions.—

429 (4) The Florida Automobile Joint Underwriting Association:

430 (b) Shall keep portions of association meetings during  
431 which confidential and exempt underwriting files or confidential  
432 and exempt claims files are discussed exempt from the provisions  
433 of s. 286.011 and s. 24(b), Art. I of the State Constitution.  
434 All closed portions of association meetings shall be recorded by  
435 a court reporter. The court reporter shall record the times of

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436 commencement and termination of the meeting, all discussion and  
437 proceedings, the names of all persons present at any time, and  
438 the names of all persons speaking. No portion of any closed  
439 meeting shall be off the record. Subject to the provisions of  
440 this paragraph and s. 119.07(1)(e)-(g) ~~s. 119.07(1)(d)-(f)~~, the  
441 court reporter's notes of any closed meeting shall be retained  
442 by the association for a minimum of 5 years. A copy of the  
443 transcript, less any confidential and exempt information, of any  
444 closed meeting during which confidential and exempt claims files  
445 are discussed shall become public as to individual claims files  
446 after settlement of that claim.

447 Section 12. Paragraph (x) of subsection (6) of section  
448 627.351, Florida Statutes, is amended to read:

449 627.351 Insurance risk apportionment plans.—

450 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

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

454 a. Underwriting files, except that a policyholder or an  
455 applicant shall have access to his or her own underwriting  
456 files. Confidential and exempt underwriting file records may  
457 also be released to other governmental agencies upon written  
458 request and demonstration of need; such records held by the  
459 receiving agency remain confidential and exempt as provided  
460 herein.

461 b. Claims files, until termination of all litigation and  
462 settlement of all claims arising out of the same incident,  
463 although portions of the claims files may remain exempt, as  
464 otherwise provided by law. Confidential and exempt claims file



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465 records may be released to other governmental agencies upon  
466 written request and demonstration of need; such records held by  
467 the receiving agency remain confidential and exempt as provided  
468 herein.

469 c. Records obtained or generated by an internal auditor  
470 pursuant to a routine audit, until the audit is completed, or if  
471 the audit is conducted as part of an investigation, until the  
472 investigation is closed or ceases to be active. An investigation  
473 is considered "active" while the investigation is being  
474 conducted with a reasonable, good faith belief that it could  
475 lead to the filing of administrative, civil, or criminal  
476 proceedings.

477 d. Matters reasonably encompassed in privileged attorney-  
478 client communications.

479 e. Proprietary information licensed to the corporation  
480 under contract and the contract provides for the confidentiality  
481 of such proprietary information.

482 f. All information relating to the medical condition or  
483 medical status of a corporation employee which is not relevant  
484 to the employee's capacity to perform his or her duties, except  
485 as otherwise provided in this paragraph. Information that is  
486 exempt shall include, but is not limited to, information  
487 relating to workers' compensation, insurance benefits, and  
488 retirement or disability benefits.

489 g. Upon an employee's entrance into the employee assistance  
490 program, a program to assist any employee who has a behavioral  
491 or medical disorder, substance abuse problem, or emotional  
492 difficulty which affects the employee's job performance, all  
493 records relative to that participation shall be confidential and

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494 exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I  
495 of the State Constitution, except as otherwise provided in s.  
496 112.0455(11).

497 h. Information relating to negotiations for financing,  
498 reinsurance, depopulation, or contractual services, until the  
499 conclusion of the negotiations.

500 i. Minutes of closed meetings regarding underwriting files,  
501 and minutes of closed meetings regarding an open claims file  
502 until termination of all litigation and settlement of all claims  
503 with regard to that claim, except that information otherwise  
504 confidential or exempt by law shall be redacted.

505 2. If an authorized insurer is considering underwriting a  
506 risk insured by the corporation, relevant underwriting files and  
507 confidential claims files may be released to the insurer  
508 provided the insurer agrees in writing, notarized and under  
509 oath, to maintain the confidentiality of such files. If a file  
510 is transferred to an insurer, that file is no longer a public  
511 record because it is not held by an agency subject to the  
512 provisions of the public records law. Underwriting files and  
513 confidential claims files may also be released to staff and the  
514 board of governors of the market assistance plan established  
515 pursuant to s. 627.3515, who must retain the confidentiality of  
516 such files, except such files may be released to authorized  
517 insurers that are considering assuming the risks to which the  
518 files apply, provided the insurer agrees in writing, notarized  
519 and under oath, to maintain the confidentiality of such files.  
520 Finally, the corporation or the board or staff of the market  
521 assistance plan may make the following information obtained from  
522 underwriting files and confidential claims files available to

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523 licensed general lines insurance agents: name, address, and  
524 telephone number of the residential property owner or insured;  
525 location of the risk; rating information; loss history; and  
526 policy type. The receiving licensed general lines insurance  
527 agent must retain the confidentiality of the information  
528 received.

529       3. A policyholder who has filed suit against the  
530 corporation has the right to discover the contents of his or her  
531 own claims file to the same extent that discovery of such  
532 contents would be available from a private insurer in litigation  
533 as provided by the Florida Rules of Civil Procedure, the Florida  
534 Evidence Code, and other applicable law. Pursuant to subpoena, a  
535 third party has the right to discover the contents of an  
536 insured's or applicant's underwriting or claims file to the same  
537 extent that discovery of such contents would be available from a  
538 private insurer by subpoena as provided by the Florida Rules of  
539 Civil Procedure, the Florida Evidence Code, and other applicable  
540 law, and subject to any confidentiality protections requested by  
541 the corporation and agreed to by the seeking party or ordered by  
542 the court. The corporation may release confidential underwriting  
543 and claims file contents and information as it deems necessary  
544 and appropriate to underwrite or service insurance policies and  
545 claims, subject to any confidentiality protections deemed  
546 necessary and appropriate by the corporation.

547       4. Portions of meetings of the corporation are exempt from  
548 ~~the provisions of~~ s. 286.011 and s. 24(b), Art. I of the State  
549 Constitution wherein confidential underwriting files or  
550 confidential open claims files are discussed. All portions of  
551 corporation meetings which are closed to the public shall be

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552 recorded by a court reporter. The court reporter shall record  
553 the times of commencement and termination of the meeting, all  
554 discussion and proceedings, the names of all persons present at  
555 any time, and the names of all persons speaking. No portion of  
556 any closed meeting shall be off the record. Subject to the  
557 provisions hereof and s. 119.07(1)(e)-(g) ~~s. 119.07(1)(d)-(f)~~,  
558 the court reporter's notes of any closed meeting shall be  
559 retained by the corporation for a minimum of 5 years. A copy of  
560 the transcript, less any exempt matters, of any closed meeting  
561 wherein claims are discussed shall become public as to  
562 individual claims after settlement of the claim.

563 Section 13. Paragraph (b) of subsection (9) of section  
564 943.031, Florida Statutes, is amended to read:

565 943.031 Florida Violent Crime and Drug Control Council.—  
566 (9) CONFIDENTIALITY; EXEMPTED PORTIONS OF COUNCIL MEETINGS  
567 AND RECORDS.—

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

571 Section 14. Subsection (7) of section 943.0313, Florida  
572 Statutes, is amended to read:

573 943.0313 Domestic Security Oversight Council.—The  
574 Legislature finds that there exists a need to provide executive  
575 direction and leadership with respect to terrorism prevention,  
576 preparation, protection, response, and recovery efforts by state  
577 and local agencies in this state. In recognition of this need,  
578 the Domestic Security Oversight Council is hereby created. The  
579 council shall serve as an advisory council pursuant to s.  
580 20.03(7) to provide guidance to the state's regional domestic

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581 security task forces and other domestic security working groups  
582 and to make recommendations to the Governor and the Legislature  
583 regarding the expenditure of funds and allocation of resources  
584 related to counter-terrorism and domestic security efforts.

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

589 Section 15. This act shall take effect July 1, 2014.