

ENROLLED

HB 1359, Engrossed 1

2021 Legislature

1
2 An act relating to public records; amending ss.
3 319.1414, 319.25, 320.861, and 322.71, F.S.; providing
4 an exemption from public records requirements for
5 information received by the Department of Highway
6 Safety and Motor Vehicles as a result of an
7 investigation or examination conducted pursuant to
8 certain provisions; authorizing the department to
9 release such information under certain circumstances;
10 providing for future legislative review and repeal of
11 the exemption; providing a statement of public
12 necessity; providing a contingent effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsection (5) of section 319.1414, Florida
17 Statutes, as created by CS/HB 1151, 2021 Regular Session, is
18 renumbered as subsection (6), and a new subsection (5) is added
19 to that section to read:

20 319.1414 Investigations; subpoenas and other process;
21 oaths; rules.—

22 (5) Information received by the department as a result of
23 an investigation or examination conducted pursuant to this
24 section is confidential and exempt from s. 119.07(1) and s.
25 24(a), Art. I of the State Constitution until the investigation

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26 | or examination ceases to be active or administrative action
27 | taken by the department has concluded or been made part of a
28 | hearing or court proceeding. The department may release
29 | information that is made confidential and exempt under this
30 | subsection in furtherance of its official duties and
31 | responsibilities or, if released to another governmental agency,
32 | in the furtherance of that agency's official duties and
33 | responsibilities. This subsection is subject to the Open
34 | Government Sunset Review Act in accordance with s. 119.15 and
35 | shall stand repealed on October 2, 2026, unless reviewed and
36 | saved from repeal through reenactment by the Legislature.

37 | Section 2. Subsection (7) of section 319.25, Florida
38 | Statutes, as created by CS/HB 1151, 2021 Regular Session, is
39 | renumbered as subsection (8), and a new subsection (7) is added
40 | to that section to read:

41 | 319.25 Cancellation of certificates; investigations;
42 | subpoenas and other process; oaths; rules.—

43 | (7) Information received by the department as a result of
44 | an investigation or examination conducted pursuant to this
45 | section is confidential and exempt from s. 119.07(1) and s.
46 | 24(a), Art. I of the State Constitution until the investigation
47 | or examination ceases to be active or administrative action
48 | taken by the department has concluded or been made part of a
49 | hearing or court proceeding. The department may release
50 | information that is made confidential and exempt under this

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51 subsection in furtherance of its official duties and
 52 responsibilities or, if released to another governmental agency,
 53 in the furtherance of that agency's official duties and
 54 responsibilities. This subsection is subject to the Open
 55 Government Sunset Review Act in accordance with s. 119.15 and
 56 shall stand repealed on October 2, 2026, unless reviewed and
 57 saved from repeal through reenactment by the Legislature.

58 Section 3. Subsection (5) is added to section 320.861,
 59 Florida Statutes, as amended by CS/HB 1151, 2021 Regular
 60 Session, to read:

61 320.861 Investigations; subpoenas and other process;
 62 oaths; rules.—

63 (5) Information received by the department as a result of
 64 an investigation or examination conducted pursuant to this
 65 section is confidential and exempt from s. 119.07(1) and s.
 66 24(a), Art. I of the State Constitution until the investigation
 67 or examination ceases to be active or administrative action
 68 taken by the department has concluded or been made part of a
 69 hearing or court proceeding. The department may release
 70 information that is made confidential and exempt under this
 71 subsection in furtherance of its official duties and
 72 responsibilities or, if released to another governmental agency,
 73 in the furtherance of that agency's official duties and
 74 responsibilities. This subsection is subject to the Open
 75 Government Sunset Review Act in accordance with s. 119.15 and

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76 | shall stand repealed on October 2, 2026, unless reviewed and
 77 | saved from repeal through reenactment by the Legislature.

78 | Section 4. Subsection (5) of section 322.71, Florida
 79 | Statutes, as created by CS/HB 1151, 2021 Regular Session, is
 80 | renumbered as subsection (6), and a new subsection (5) is added
 81 | to that section to read:

82 | 322.71 Investigations; subpoenas and other process; oaths;
 83 | rules.—

84 | (5) Information received by the department as a result of
 85 | an investigation or examination conducted pursuant to this
 86 | section is confidential and exempt from s. 119.07(1) and s.
 87 | 24(a), Art. I of the State Constitution until the investigation
 88 | or examination ceases to be active or administrative action
 89 | taken by the department has concluded or been made part of a
 90 | hearing or court proceeding. The department may release
 91 | information that is made confidential and exempt under this
 92 | subsection in furtherance of its official duties and
 93 | responsibilities or, if released to another governmental agency,
 94 | in the furtherance of that agency's official duties and
 95 | responsibilities. This subsection is subject to the Open
 96 | Government Sunset Review Act in accordance with s. 119.15 and
 97 | shall stand repealed on October 2, 2026, unless reviewed and
 98 | saved from repeal through reenactment by the Legislature.

99 | Section 5. The Legislature finds that it is a public
 100 | necessity that information received by the Department of Highway

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101 Safety and Motor Vehicles as a result of an investigation or
102 examination conducted pursuant to s. 319.1414, s. 319.25,
103 chapter 320 as provided in s. 320.861, and chapter 322 as
104 provided in s. 322.71, Florida Statutes, be made confidential
105 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
106 Article I of the State Constitution until the investigation or
107 examination ceases to be active or administrative action taken
108 by the department has concluded or been made part of a hearing
109 or court proceeding. The release of such information about a
110 pending investigation or examination of violations of s.
111 319.1414, s. 319.25, chapter 320, and chapter 322, Florida
112 Statutes, could obstruct or jeopardize the integrity of the
113 investigation or examination and impair the ability of the
114 Department of Highway Safety and Motor Vehicles in the
115 performance of its official duties and responsibilities under s.
116 319.1414, s. 319.25, chapter 320, and chapter 322, Florida
117 Statutes. Therefore, the Legislature finds that it is a public
118 necessity to make such information confidential and exempt from
119 public records requirements.

120 Section 6. This act shall take effect on the same date
121 that CS/HB 1151 or similar legislation takes effect, if such
122 legislation is adopted in the same legislative session or an
123 extension thereof and becomes a law.