

By Senator Harrell

25-01618-21

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 319.1414, F.S.; exempting from public records
4 requirements certain information received by the
5 Department of Highway Safety and Motor Vehicles as a
6 result of investigations and examinations of private
7 rebuilt inspection providers; providing for future
8 legislative review and repeal of the exemptions;
9 amending s. 319.25, F.S.; exempting from public
10 records requirements certain information received by
11 the department as a result of investigations and
12 examinations relating to title certificates; providing
13 for future legislative review and repeal of the
14 exemptions; amending s. 320.861, F.S.; exempting from
15 public records requirements certain information
16 received by the department as a result of
17 investigations and examinations of persons suspected
18 of violating or of having violated certain laws,
19 rules, or orders relating to motor vehicle licenses;
20 providing for future legislative review and repeal of
21 the exemptions; amending s. 322.71, F.S.; exempting
22 from public records requirements certain information
23 received by the department as a result of
24 investigations and examinations of persons suspected
25 of violating or of having violated certain laws,
26 rules, or orders relating to driver licenses;
27 providing for future legislative review and repeal of
28 the exemptions; providing a statement of public
29 necessity; providing a contingent effective date.

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

Section 1. Present subsection (6) of section 319.1414, Florida Statutes, as created by SB ____, 2021 Regular Session, is redesignated as subsection (7), and a new subsection (6) is added to that section, to read:

319.1414 Investigations; examinations; subpoenas; hearings; witnesses.—

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

Section 2. Present subsection (8) of section 319.25, Florida Statutes, as amended by SB ____, 2021 Regular Session, is redesignated as subsection (9), and a new subsection (8) is added to that section, to read:

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59 319.25 Cancellation of certificates; investigations;
60 subpoenas and other process; oaths; rules.—

61 (8) Information received by the department as a result of
62 an investigation or examination conducted pursuant to this
63 section is confidential and exempt from the disclosure
64 requirements in s. 119.07(1) and s. 24(a), Art. I of the State
65 Constitution until the investigation or examination ceases to be
66 active or administrative action taken by the department has
67 concluded or been made part of any hearing or court proceeding.
68 The department may release information that is made confidential
69 and exempt under this subsection in furtherance of its official
70 duties and responsibilities or, if released to another
71 governmental agency, in the furtherance of that agency's
72 official duties and responsibilities. This subsection is subject
73 to the Open Government Sunset Review Act in accordance with s.
74 119.15 and shall stand repealed on October 2, 2026, unless
75 reviewed and saved from repeal through reenactment by the
76 Legislature.

77 Section 3. Present subsection (6) of section 320.861,
78 Florida Statutes, as amended by SB ____, 2021 Regular Session, is
79 redesignated as subsection (7), and a new subsection (6) is
80 added to that section, to read:

81 320.861 Investigations; subpoenas and other process; oaths;
82 rules.—

83 (6) Information received by the department as a result of
84 an investigation or examination conducted pursuant to this
85 chapter is confidential and exempt from the disclosure
86 requirements in s. 119.07(1) and s. 24(a), Art. I of the State
87 Constitution until the investigation or examination ceases to be

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88 active or administrative action taken by the department has
89 concluded or been made part of any hearing or court proceeding.
90 The department may release information that is made confidential
91 and exempt under this subsection in furtherance of its official
92 duties and responsibilities or, if released to another
93 governmental agency, in the furtherance of that agency's
94 official duties and responsibilities. This subsection is subject
95 to the Open Government Sunset Review Act in accordance with s.
96 119.15 and shall stand repealed on October 2, 2026, unless
97 reviewed and saved from repeal through reenactment by the
98 Legislature.

99 Section 4. Present subsection (6) of section 322.71,
100 Florida Statutes, as created by SB ____, 2021 Regular Session, is
101 redesignated as subsection (7), and a new subsection (6) is
102 added to that section, to read:

103 322.71 Investigations; subpoenas and other process; oaths;
104 rules.-

105 (6) Information received by the department as a result of
106 an investigation or examination conducted pursuant to this
107 chapter is confidential and exempt from the disclosure
108 requirements in s. 119.07(1) and s. 24(a), Art. I of the State
109 Constitution until the investigation or examination ceases to be
110 active or administrative action taken by the department has
111 concluded or been made part of any hearing or court proceeding.
112 The department may release information that is made confidential
113 and exempt under this subsection in furtherance of its official
114 duties and responsibilities or, if released to another
115 governmental agency, in the furtherance of that agency's
116 official duties and responsibilities. This subsection is subject

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117 to the Open Government Sunset Review Act in accordance with s.
118 119.15 and shall stand repealed on October 2, 2026, unless
119 reviewed and saved from repeal through reenactment by the
120 Legislature.

121 Section 5. The Legislature finds that it is a public
122 necessity that information received by the Department of Highway
123 Safety and Motor Vehicles as a result of an investigation or
124 examination conducted pursuant to s. 319.1414, s. 319.25,
125 chapter 320 as provided in s. 320.861, or chapter 322 as
126 provided in s. 322.71, Florida Statutes, be made confidential
127 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
128 Article I of the State Constitution until the investigation or
129 examination ceases to be active or administrative action taken
130 by the department has concluded or been made part of any hearing
131 or court proceeding. The release of such information about a
132 pending investigation or examination of violations of ss.
133 319.1414 and 319.25, Florida Statutes, and chapters 320 and 322,
134 Florida Statutes, could obstruct or jeopardize the integrity of
135 the investigation or examination and impair the ability of the
136 Department of Highway Safety and Motor Vehicles to perform its
137 official duties and carry out its responsibilities under ss.
138 319.1414 and 319.25, Florida Statutes, and chapters 320 and 322,
139 Florida Statutes. Therefore, the Legislature finds that it is a
140 public necessity to make such information confidential and
141 exempt from public records requirements.

142 Section 6. This act shall take effect on the same date that
143 SB ___ or similar legislation takes effect, if such legislation
144 is adopted in the same legislative session or an extension
145 thereof and becomes a law.