

By Senator Pizzo

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1 A bill to be entitled
2 An act relating to the accessibility of governmental
3 records; creating ss. 11.1431, 16.011, 17.051, and
4 19.521, F.S.; defining the terms "governmental entity"
5 and "record"; requiring governmental entities to make
6 requested records available to members of the
7 Legislature, the Attorney General, the Chief Financial
8 Officer, or the Commissioner of Agriculture,
9 respectively, within a specified timeframe upon the
10 request of such person; prohibiting members of the
11 Legislature, the Chief Financial Officer, and the
12 Commissioner of Agriculture from receiving certain
13 records during a specified period of time; requiring
14 that members of the Legislature, the Attorney General,
15 the Chief Financial Officer, and the Commissioner of
16 Agriculture ensure that any exempt or confidential and
17 exempt information in records so received remains
18 exempt or confidential and exempt; providing penalties
19 for noncompliance; requiring that members of the
20 Legislature and such officers submit their requests to
21 governmental entities in a specified format; providing
22 for the sharing of such records; requiring
23 governmental entities to waive all fees associated
24 with providing such records when requests are properly
25 made; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Section 11.1431, Florida Statutes, is created to

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30 read:

31 11.1431 Access to governmental records.-

32 (1) As used in this section, the term:

33 (a) "Governmental entity" means the state including the
34 executive and judicial branches of government, or any political
35 subdivision of the state, including counties, municipalities,
36 districts, authorities, boards, or commissions.

37 (b) "Record" means all documents, papers, letters, maps,
38 books, tapes, photographs, films, sound recordings, or other
39 material, regardless of physical form or characteristics, made
40 or received pursuant to law or ordinance or in connection with
41 the transaction of official business by a governmental entity.

42 (2) (a) If a member of the Legislature requests a record
43 from a governmental entity, the governmental entity must make
44 the record available without redactions to the member within 7
45 days after receiving a request made pursuant to subsection (3).

46 (b) A member may not receive records from a law enforcement
47 agency during the period in which the information constitutes
48 active criminal intelligence information or active criminal
49 investigative information.

50 (c) If a member receives any exempt or confidential and
51 exempt information in a record, the member must ensure that the
52 information remains exempt or confidential and exempt. A member
53 who does not comply with the requirements of this paragraph is
54 subject to any penalty imposed by rule of the member's chamber
55 for the improper disclosure of public records and the penalties
56 imposed in s. 119.10.

57 (3) To request a record from a governmental entity, a
58 member of the Legislature must submit a request in substantially

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59 the following form:

60

61 RECORDS REQUEST FORM

62

63 I, ...(name of the member)..., a duly elected member of the
 64 Legislature, in order to fulfill my duties and responsibilities
 65 as an officer of the state, request from ...(name of the
 66 governmental entity)... the following record(s): ...(An addendum
 67 may be attached to this form with as much information as the
 68 member can provide regarding the name of the record, when the
 69 record was created or received by the governmental entity, and
 70 any keywords or other search parameters for the governmental
 71 entity.)... I, ...(name of the member)..., swear or affirm that
 72 the record requested, once received, will remain with my office
 73 and, if the record contains information that is exempt or
 74 confidential and exempt, I will be personally responsible for
 75 ensuring that the information remains exempt or confidential and
 76 exempt.

77 I UNDERSTAND THAT I MAY NOT SHARE OR OTHERWISE TRANSFER THE
 78 RECORD TO ANY OTHER PARTY, INCLUDING, BUT NOT LIMITED TO,
 79 ANOTHER MEMBER, A MEMBER OF THE PRESS, OR ANY OTHER PERSON WHO
 80 DOES NOT HAVE THE EXPRESS WRITTEN AUTHORITY FROM THE
 81 GOVERNMENTAL ENTITY TO ACCESS SUCH RECORD. BY SIGNING BELOW, I
 82 AGREE TO ABIDE BY ALL RESTRICTIONS RELATED TO THE RECORDS I HAVE
 83 REQUESTED.

84

85 ...(Signature of the member)...

86 ...(Date signed)...

87 ...(Date submitted)...

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88

89 (4) The records received pursuant to this section may be
90 shared only with another member, provided that member submits
91 the records request form provided in subsection (3) to the
92 governmental entity and receives confirmation from the
93 governmental entity of its receipt of the form.

94 (5) The governmental entity shall waive all fees associated
95 with providing any record to a member of the Legislature if a
96 request is made pursuant to this section.

97 Section 2. Section 16.011, Florida Statutes, is created to
98 read:

99 16.011 Access to governmental records.—

100 (1) As used in this section, the term:

101 (a) "Governmental entity" means the state, including the
102 executive branch of government, or any political subdivision of
103 the state, including counties, municipalities, districts,
104 authorities, boards, or commissions. The term does not include
105 the legislative or judicial branches of government.

106 (b) "Record" means all documents, papers, letters, maps,
107 books, tapes, photographs, films, sound recordings, or other
108 material, regardless of physical form or characteristics, made
109 or received pursuant to law or ordinance or in connection with
110 the transaction of official business by a governmental entity.

111 (2) (a) If the Attorney General requests a record from a
112 governmental entity, the governmental entity must make the
113 record available without redactions to him or her within 7 days
114 after receiving a request made pursuant to subsection (3).

115 (b) If the Attorney General receives any exempt or
116 confidential and exempt information in a record, he or she shall

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117 ensure that the information remains exempt or confidential and
118 exempt. Records received pursuant to this section may not be
119 shared without written authorization from the governmental
120 entity. If the Attorney General does not comply with the
121 requirements of this paragraph he or she is subject to the
122 penalties imposed in s. 119.10.

123 (3) To request a record from a governmental entity, the
124 Attorney General must submit a request in substantially the
125 following form:

126
127 RECORDS REQUEST FORM
128

129 I, ...(name)..., the Attorney General of Florida, in order
130 to fulfill my duties and responsibilities as an officer of the
131 state, request from ...(name of the governmental entity)... the
132 following record(s): ...(An addendum may be attached to this
133 form with as much information as the Attorney General can
134 provide regarding the name of the record, when the record was
135 created or received by the governmental entity, and any keywords
136 or other search parameters for the governmental entity.)... I,
137 ...(name)..., swear or affirm that the record requested, once
138 received, will remain with my office and, if the record contains
139 information that is exempt or confidential and exempt, I am
140 personally responsible for ensuring that the information remains
141 exempt or confidential and exempt.

142 I UNDERSTAND THAT I MAY NOT SHARE OR OTHERWISE TRANSFER THE
143 RECORD TO ANY OTHER PARTY, INCLUDING, BUT NOT LIMITED TO, A
144 MEMBER OF THE PRESS OR ANY OTHER PERSON WHO DOES NOT HAVE THE
145 EXPRESS WRITTEN AUTHORITY FROM THE GOVERNMENTAL ENTITY TO ACCESS

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146 SUCH RECORD. BY SIGNING BELOW, I AGREE TO ABIDE BY ALL
 147 RESTRICTIONS RELATED TO THE RECORDS I HAVE REQUESTED.

149 ... (Signature)...

150 ... (Date signed)...

151 ... (Date submitted)...

153 (4) The governmental entity shall waive all fees associated
 154 with providing any record to the Attorney General if a request
 155 is made pursuant to this section.

156 Section 3. Section 17.051, Florida Statutes, is created to
 157 read:

158 17.051 Access to governmental records.—

159 (1) As used in this section, the term:

160 (a) "Governmental entity" means the state, including the
 161 executive branch of government, or any political subdivision of
 162 the state, including counties, municipalities, districts,
 163 authorities, boards, or commissions. The term does not include
 164 the legislative or judicial branches of government.

165 (b) "Record" means all documents, papers, letters, maps,
 166 books, tapes, photographs, films, sound recordings, or other
 167 material, regardless of physical form or characteristics, made
 168 or received pursuant to law or ordinance or in connection with
 169 the transaction of official business by a governmental entity.

170 (2) (a) If the Chief Financial Officer requests a record
 171 from a governmental entity, the governmental entity must make
 172 the record available without redactions to him or her within 7
 173 days after receiving a request made pursuant to subsection (3).

174 (b) The Chief Financial Officer may not receive records

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175 from a law enforcement agency during the period in which the
176 information constitutes active criminal intelligence information
177 or active criminal investigative information, unless the records
178 relate to the official duties and responsibilities of the Chief
179 Financial Officer.

180 (c) If the Chief Financial Officer receives any exempt or
181 confidential and exempt information in a record, he or she shall
182 ensure that the information remains exempt or confidential and
183 exempt. Records received pursuant to this section may not be
184 shared without written authorization from the governmental
185 entity. If the Chief Financial Officer does not comply with the
186 requirements of this paragraph he or she is subject to the
187 penalties imposed in s. 119.10.

188 (3) To request a record from a governmental entity, the
189 Chief Financial Officer must submit a request in substantially
190 the following form:

191
192 RECORDS REQUEST FORM
193

194 "I, ...(name)..., the Chief Financial Officer of Florida,
195 in order to fulfill my duties and responsibilities as an officer
196 of the state, request from ...(name of the governmental
197 entity)... the following record(s): ...(An addendum may be
198 attached to this form with as much information as the Chief
199 Financial Officer can provide regarding the name of the record,
200 when the record was created or received by the governmental
201 entity, and any keywords or other search parameters for the
202 governmental entity.)... I, ...(name)..., swear or affirm that
203 the records requested, once received, will remain with my office

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204 and, if the record contains information that is exempt or
 205 confidential and exempt, I am personally responsible for
 206 ensuring that the information remains exempt or confidential and
 207 exempt.

208 I UNDERSTAND THAT I MAY NOT SHARE OR OTHERWISE TRANSFER THE
 209 RECORD TO ANY OTHER PARTY, INCLUDING, BUT NOT LIMITED TO, A
 210 MEMBER OF THE PRESS OR ANY OTHER PERSON WHO DOES NOT HAVE THE
 211 EXPRESS WRITTEN AUTHORITY FROM THE GOVERNMENTAL ENTITY TO ACCESS
 212 SUCH RECORD. BY SIGNING BELOW, I AGREE TO ABIDE BY ALL
 213 RESTRICTIONS RELATED TO THE RECORDS I HAVE REQUESTED.

214
 215 ...(Signature)...
 216 ...(Date signed)...
 217 ...(Date submitted)...
 218

219 (4) The governmental entity shall waive all fees associated
 220 with providing any record to the Chief Financial Officer if a
 221 request is made pursuant to this section.

222 Section 4. Section 19.521, Florida Statutes, is created to
 223 read:

224 19.521 Access to governmental records.-

225 (1) As used in this section, the term:

226 (a) "Governmental entity" means the state, including the
 227 executive branch of government, or any political subdivision of
 228 the state, including counties, municipalities, districts,
 229 authorities, boards, or commissions. The term does not include
 230 the legislative or judicial branches of government.

231 (b) "Record" means all documents, papers, letters, maps,
 232 books, tapes, photographs, films, sound recordings, or other

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233 material, regardless of physical form or characteristics, made
234 or received pursuant to law or ordinance or in connection with
235 the transaction of official business by a governmental entity.

236 (2) (a) If the Commissioner of Agriculture requests a record
237 from a governmental entity, the governmental entity must make
238 the record available without redactions to him or her within 7
239 days after receiving a request made pursuant to subsection (3).

240 (b) The Commissioner of Agriculture may not receive records
241 from a law enforcement agency during the period in which the
242 information constitutes active criminal intelligence information
243 or active criminal investigative information.

244 (c) If the Commissioner of Agriculture receives any exempt
245 or confidential and exempt information in a record, he or she
246 must ensure that the information remains exempt or confidential
247 and exempt. Records received pursuant to this section may not be
248 shared without written authorization from the governmental
249 entity. If the Commissioner of Agriculture does not comply with
250 the requirements of this paragraph he or she is subject to the
251 penalties imposed in s. 119.10.

252 (3) To request a record from a governmental entity, the
253 Commissioner of Agriculture must submit a request in
254 substantially the following form:

255
256 RECORDS REQUEST FORM
257

258 "I, ...(name)..., the Commissioner of Agriculture of
259 Florida, in order to fulfill my duties and responsibilities as
260 an officer of the state, request from ...(name of the
261 governmental entity)... the following record(s): ...(An addendum

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262 may be attached to this form with as much information as the
 263 Commissioner of Agriculture can provide regarding the name of
 264 the record, when the record was created or received by the
 265 governmental entity, and any keywords or other search parameters
 266 for the governmental entity.)... I, ...(name)..., swear or
 267 affirm that the record requested, once received, will remain
 268 with my office and, if the record contains information that is
 269 exempt or confidential and exempt, I am personally responsible
 270 for ensuring that the information remains exempt or confidential
 271 and exempt.

272 I UNDERSTAND THAT I MAY NOT SHARE OR OTHERWISE TRANSFER THE
 273 RECORD TO ANY OTHER PARTY, INCLUDING, BUT NOT LIMITED TO, A
 274 MEMBER OF THE PRESS OR ANY OTHER PERSON WHO DOES NOT HAVE THE
 275 EXPRESS WRITTEN AUTHORITY FROM THE GOVERNMENTAL ENTITY TO ACCESS
 276 SUCH RECORD. BY SIGNING BELOW, I AGREE TO ABIDE BY ALL
 277 RESTRICTIONS RELATED TO THE RECORDS I HAVE REQUESTED.

278
 279 ...(Signature)...
 280 ...(Date signed)...
 281 ...(Date submitted)...

282
 283 (4) The governmental entity shall waive all fees associated
 284 with providing any record to the Commissioner of Agriculture if
 285 a request is made pursuant to this section.

286 Section 5. This act shall take effect July 1, 2023.