

BILL

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YEAR

1                                   A bill to be entitled  
 2           An act relating to the Open Government Sunset Review Act;  
 3           amending s. 27.151, F.S., relating to confidentiality of  
 4           specified executive orders; correcting a cross-reference;  
 5           amending s. 378.406, F.S., relating to confidentiality of  
 6           records; correcting a cross-reference; amending s.  
 7           400.0077, F.S., relating to confidentiality; correcting a  
 8           cross-reference; amending s. 403.111, F.S., relating to  
 9           confidential records; correcting a cross-reference;  
 10          amending s. 655.0321, F.S., relating to restricted access  
 11          to certain hearings, proceedings, and related documents;  
 12          correcting a cross-reference; providing an effective date.

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

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 16           Section 1.   Section 27.151, Florida Statutes, is amended to  
 17   read:

18           27.151   Confidentiality of specified executive orders;  
 19   criteria.--

20           (1)   If the Governor provides in an executive order issued  
 21   pursuant to s. 27.14 or s. 27.15 that the order or a portion  
 22   thereof is confidential, the order or portion so designated, the  
 23   application of the Governor to the Supreme Court and all  
 24   proceedings thereon, and the order of the Supreme Court shall be  
 25   confidential and exempt from the provisions of s. 119.07(1).

26           (2)   The Governor shall base his or her decision to make an  
 27   executive order confidential on the criteria set forth in s.  
 28   119.15(6)(b) ~~119.14~~.

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29 (3) To maintain the confidentiality of the executive  
 30 order, the state attorney, upon entering the circuit of  
 31 assignment, shall immediately have the executive order sealed by  
 32 the court prior to filing it with the clerk of the circuit  
 33 court. The Governor may make public any executive order issued  
 34 pursuant to s. 27.14 or s. 27.15 by a subsequent executive  
 35 order, and at the expiration of a confidential executive order  
 36 or any extensions thereof, the executive order and all  
 37 associated orders and reports shall be open to the public  
 38 pursuant to chapter 119 unless the information contained in the  
 39 executive order is confidential pursuant to the provisions of  
 40 chapter 39, chapter 415, chapter 984, or chapter 985.

41 Section 2. Paragraph (a) of subsection (1) of section  
 42 378.406, Florida Statutes, is amended to read:

43 378.406 Confidentiality of records; availability of  
 44 information.--

45 (1)(a) Any information relating to prospecting, rock  
 46 grades, or secret processes or methods of operation which may be  
 47 required, ascertained, or discovered by inspection or  
 48 investigation shall be exempt from the provisions of s.  
 49 119.07(1), shall not be disclosed in public hearings, and shall  
 50 be kept confidential by any member, officer, or employee of the  
 51 department, if the applicant requests the department to keep  
 52 such information confidential and informs the department of the  
 53 basis for such confidentiality. Should the secretary determine  
 54 that such information requested to be kept confidential shall  
 55 not be kept confidential, the secretary shall provide the  
 56 operator with not less than 30 days' notice of his or her intent

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57 | to release the information. When making his or her  
 58 | determination, the secretary shall consider the public purposes  
 59 | specified in s. 119.15(6)(b) ~~119.14(4)(b)~~.

60 | Section 3. Paragraph (c) of subsection (1) of section  
 61 | 400.0077, Florida Statutes, is amended to read:

62 | 400.0077 Confidentiality.--

63 | (1) The following are confidential and exempt from the  
 64 | provisions of s. 119.07(1):

65 | (c) Any other information about a complaint, including any  
 66 | problem identified by an ombudsman council as a result of an  
 67 | investigation, unless an ombudsman council determines that the  
 68 | information does not meet any of the criteria specified in s.  
 69 | 119.15(6)(b) ~~119.14(4)(b)~~; or unless the information is to  
 70 | collect data for submission to those entities specified in s.  
 71 | 712(c) of the federal Older Americans Act for the purpose of  
 72 | identifying and resolving significant problems.

73 | Section 4. Subsection (1) of section 403.111, Florida  
 74 | Statutes, is amended to read:

75 | 403.111 Confidential records.--

76 | (1) Any information, other than effluent data and those  
 77 | records described in 42 U.S.C. s. 7661a(b)(8), relating to  
 78 | secret processes or secret methods of manufacture or production,  
 79 | or relating to costs of production, profits, or other financial  
 80 | information which is otherwise not public record, which may be  
 81 | required, ascertained, or discovered by inspection or  
 82 | investigation shall be exempt from the provisions of s.

83 | 119.07(1), shall not be disclosed in public hearings, and shall  
 84 | be kept confidential by any member, officer, or employee of the

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85 department, upon a showing satisfactory to the department that  
 86 the information should be kept confidential. The person from  
 87 whom the information is obtained must request that the  
 88 department keep such information confidential and must inform  
 89 the department of the basis for the claim of confidentiality.  
 90 The department shall, subject to notice and opportunity for  
 91 hearing, determine whether the information requested to be kept  
 92 confidential should or should not be kept confidential. The  
 93 department shall determine whether the information submitted  
 94 should be kept confidential pursuant to the public purpose test  
 95 as stated in s. 119.15(6)(b)3. ~~119.14(4)(b)3.~~

96 Section 5. Section 655.0321, Florida Statutes, is amended  
 97 to read:

98 655.0321 Restricted access to certain hearings,  
 99 proceedings, and related documents.--The office shall consider  
 100 the public purposes specified in s. 119.15(6)(b) ~~119.14(4)(b)~~ in  
 101 determining whether the hearings and proceedings conducted  
 102 pursuant to s. 655.033 for the issuance of cease and desist  
 103 orders and s. 655.037 for the issuance of suspension or removal  
 104 orders shall be closed and exempt from the provisions of s.  
 105 286.011, and whether related documents shall be confidential and  
 106 exempt from the provisions of s. 119.07(1).

107 Section 6. This act shall take effect July 1, 2010.