

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.

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

Section 1. Section 11.1431, Florida Statutes, is created to read:

11.1431 Access to governmental records.-

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

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

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

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

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

(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  
 59 the following form:

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 61 RECORDS REQUEST FORM  
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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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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  
 95 associated with providing any record to a member of the  
 96 Legislature if a 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  
 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:

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RECORDS REQUEST FORM

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

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

...(Signature)...  
...(Date signed)...

...(Date submitted)...

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

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

17.051 Access to governmental records.-

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

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

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

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

(b) The Chief Financial Officer may not receive records 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  
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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  
 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  
 220 associated with providing any record to the Chief Financial  
 221 Officer if a 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  
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  
237 record from a governmental entity, the governmental entity must  
238 make the record available without redactions to him or her  
239 within 7 days after receiving a request made pursuant to  
240 subsection (3).

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

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

251 the requirements of this paragraph he or she is subject to the  
 252 penalties imposed in s. 119.10.

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

256  
 257 RECORDS REQUEST FORM  
 258

259 "I, ...(name)..., the Commissioner of Agriculture of  
 260 Florida, in order to fulfill my duties and responsibilities as  
 261 an officer of the state, request from ...(name of the  
 262 governmental entity)... the following record(s): ...(An addendum  
 263 may be attached to this form with as much information as the  
 264 Commissioner of Agriculture can provide regarding the name of  
 265 the record, when the record was created or received by the  
 266 governmental entity, and any keywords or other search parameters  
 267 for the governmental entity.)... I, ...(name)..., swear or  
 268 affirm that the record requested, once received, will remain  
 269 with my office and, if the record contains information that is  
 270 exempt or confidential and exempt, I am personally responsible  
 271 for ensuring that the information remains exempt or confidential  
 272 and exempt.

273 I UNDERSTAND THAT I MAY NOT SHARE OR OTHERWISE TRANSFER THE  
 274 RECORD TO ANY OTHER PARTY, INCLUDING, BUT NOT LIMITED TO, A  
 275 MEMBER OF THE PRESS OR ANY OTHER PERSON WHO DOES NOT HAVE THE

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276 | EXPRESS WRITTEN AUTHORITY FROM THE GOVERNMENTAL ENTITY TO ACCESS  
 277 | SUCH RECORD. BY SIGNING BELOW, I AGREE TO ABIDE BY ALL  
 278 | RESTRICTIONS RELATED TO THE RECORDS I HAVE REQUESTED.

279 |  
 280 | ...(Signature)...  
 281 | ...(Date signed)...  
 282 | ...(Date submitted)...  
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284 | (4) The governmental entity shall waive all fees  
 285 | associated with providing any record to the Commissioner of  
 286 | Agriculture if a request is made pursuant to this section.

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