

1 A bill to be entitled
 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.

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

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 16 Section 1. Subsection (6) of section 319.1414, Florida
 17 Statutes, as created by CS/HB 1151, 2021 Regular Session, is
 18 renumbered as subsection (7), and a new subsection (6) is added
 19 to that section to read:

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

22 (6) 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

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35 | shall stand repealed on October 2, 2026, unless reviewed and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 (8) of section 319.25, Florida
38 | Statutes, as created by CS/HB 1151, 2021 Regular Session, is
39 | renumbered as subsection (9), and a new subsection (8) is added
40 | to that section to read:

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

43 | (8) 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

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 (6) of section 320.861, Florida
59 Statutes, as created by CS/HB 1151, 2021 Regular Session, is
60 renumbered as subsection (7), and a new subsection (6) is added
61 to that section to read:

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

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

76 Government Sunset Review Act in accordance with s. 119.15 and
77 shall stand repealed on October 2, 2026, unless reviewed and
78 saved from repeal through reenactment by the Legislature.

79 Section 4. Subsection (6) of section 322.71, Florida
80 Statutes, as created by CS/HB 1151, 2021 Regular Session, is
81 renumbered as subsection (7), and a new subsection (6) is added
82 to that section to read:

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

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

100 Section 5. The Legislature finds that it is a public

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

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