

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 (5) of section 319.1414, Florida  
17   Statutes, as created by CS/HB 1151, 2021 Regular Session, is  
18   renumbered as subsection (6), and a new subsection (5) is added  
19   to that section to read:

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

22           (5) 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35 | shall stand repealed on October 2, 2026, unless reviewed and  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 (7) of section 319.25, Florida  
38 | Statutes, as created by CS/HB 1151, 2021 Regular Session, is  
39 | renumbered as subsection (8), and a new subsection (7) is added  
40 | to that section to read:

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

43 | (7) 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 (5) is added to section 320.861,  
59 Florida Statutes, as amended by CS/HB 1151, 2021 Regular  
60 Session, to read:

61 320.861 Investigations; subpoenas and other process;  
62 oaths; rules.—

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

76 shall stand repealed on October 2, 2026, unless reviewed and  
77 saved from repeal through reenactment by the Legislature.

78 Section 4. Subsection (5) of section 322.71, Florida  
79 Statutes, as created by CS/HB 1151, 2021 Regular Session, is  
80 renumbered as subsection (6), and a new subsection (5) is added  
81 to that section to read:

82 322.71 Investigations; subpoenas and other process; oaths;  
83 rules.—

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

99 Section 5. The Legislature finds that it is a public  
100 necessity that information received by the Department of Highway

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

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