

Senate Bill No. 1626

An act relating to public records; providing an exemption from public-records requirements for a manuscript or other archival material donated to and held by an official archive of a municipality or county and subject to special terms and conditions that limit the right to copy or inspect the manuscript or material; requiring that such a manuscript or other archival material be made available for inspection and copying after a specified period or pursuant to court order; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

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

Section 1. Manuscripts or other archival material; public records exemption.—

(1) A manuscript or other archival material that is donated to and held by an official archive of a municipality or county contingent upon special terms and conditions that limit the right to inspect or copy such manuscript or other material, but which manuscript or archival material is not otherwise made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency, is confidential and exempt from section 119.07(1), Florida Statutes, and Section 24(a), Article I of the State Constitution, except as otherwise provided in the special terms and conditions. However, a manuscript or other archival material received under special terms and conditions as provided by this section shall be made available for inspection and copying 50 years after the date of the creation of the manuscript or other archival material, at an earlier date specified in the special terms or conditions, or upon a showing of good cause before a court of competent jurisdiction.

(2) Subsection (1) is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2009, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity to make certain donated manuscripts and other archival material held by an official archive of a municipality or county exempt from public disclosure. The Legislature finds that a municipal or county archive is often designated as the repository for manuscripts or other material of a private individual. Except for the deposit of these manuscripts or material in an official archive of a municipality or county, such manuscripts and material are not otherwise made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency, and would not be in the possession of a governmental agency except for the donation of the private person. Nevertheless, such manuscript or other material may be of important historical interest to the municipality or county, and therefore should be preserved in the public interest. The diaries of prominent

historical figures, manuscripts of important writers, and personal effects of significant persons are examples of the types of archival material that could be placed in an official municipal or county archive. A private donor often makes the donation of such manuscripts or other material contingent upon special terms and conditions in order to protect private facts during the lifetime of the donor or during the lifetime of another person. If a municipal or county archive is unable to comply with the special terms and conditions, a potential donor would be unlikely to donate manuscripts or other material that is of significant archival value to the municipality or county. As a result, important historical information could be lost to the public. While the receipt of such manuscripts or other archival material is in the public interest, the Legislature also finds that special terms and conditions should not forever preclude the ability of the public to inspect and copy such manuscripts or other archival material. The Legislature finds that the interests of the donor and the public are protected by limiting such special terms and conditions to 50 years following the date of the creation of the manuscript or other material. Such a limitation helps to protect private facts during the lifetime of an affected person and ensures the preservation of manuscripts and material beneficial to the public, while ultimately preserving public access.

Section 3. This act shall take effect October 1, 2004.

Approved by the Governor May 12, 2004.

Filed in Office Secretary of State May 12, 2004.