

CHAPTER 2021-237

House Bill No. 1359

An act relating to public records; amending ss. 319.1414, 319.25, 320.861, and 322.71, F.S.; providing an exemption from public records requirements for information received by the Department of Highway Safety and Motor Vehicles as a result of an investigation or examination conducted pursuant to certain provisions; authorizing the department to release such information under certain circumstances; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Subsection (5) of section 319.1414, Florida Statutes, as created by CS/HB 1151, 2021 Regular Session, is renumbered as subsection (6), and a new subsection (5) is added to that section to read:

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

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 This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. Subsection (7) of section 319.25, Florida Statutes, as created by CS/HB 1151, 2021 Regular Session, is renumbered as subsection (8), and a new subsection (7) is added to that section to read:

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

(7) Information received by the department as a result of an investigation or examination conducted pursuant to this section is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the investigation or examination ceases to be active or administrative action taken by the department has concluded or been made part of a hearing or court proceeding. The department may release information that is made confidential and exempt under this subsection in furtherance of its official

duties and responsibilities or, if released to another governmental agency, in the furtherance of that agency's official duties and responsibilities. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. Subsection (5) is added to section 320.861, Florida Statutes, as amended by CS/HB 1151, 2021 Regular Session, to read:

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

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

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

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

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

Section 5. The Legislature finds that it is a public necessity that information received by the Department of Highway Safety and Motor Vehicles as a result of an investigation or examination conducted pursuant to s. 319.1414, s. 319.25, chapter 320 as provided in s. 320.861, and chapter

322 as provided in s. 322.71, Florida Statutes, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution until the investigation or examination ceases to be active or administrative action taken by the department has concluded or been made part of a hearing or court proceeding. The release of such information about a pending investigation or examination of violations of s. 319.1414, s. 319.25, chapter 320, and chapter 322, Florida Statutes, could obstruct or jeopardize the integrity of the investigation or examination and impair the ability of the Department of Highway Safety and Motor Vehicles in the performance of its official duties and responsibilities under s. 319.1414, s. 319.25, chapter 320, and chapter 322, Florida Statutes. Therefore, the Legislature finds that it is a public necessity to make such information confidential and exempt from public records requirements.

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

Approved by the Governor June 29, 2021.

Filed in Office Secretary of State June 29, 2021.