21-1073A-04

1   A bill to be entitled

2   An act relating to public records exemptions;

3   creating s. 12.001, F.S.; declaring legislative

4   powers with respect to creating exemptions from

5   public-records requirements; creating s.

6   12.002, F.S.; prescribing the role of the

7   judicial branch with respect to creating

8   exemptions from public-records requirements;

9   creating s. 12.003, F.S.; prohibiting judicial

10   modification or creation of such exemptions;

11   prohibiting enforcement of judicial actions

12   attempting to do otherwise; providing

13   retroactive applicability; providing an

14   effective date.

15

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

17

18   Section 1. This act may be cited as the "'Chips' Shore

19 Memorial Act."

20   Section 2. Section 12.001, Florida Statutes, is

21 created to read:

22   12.001 Legislative powers regarding public records

23 exemptions.--Pursuant to s. 24, Art. I of the State

24 Constitution, the power to create any exemptions to the

25 public's constitutional right to inspect and copy public

26 records, which includes all judicial records and court

27 records, is vested exclusively in the Legislature. Any such

28 exemption requires affirmative action of the Legislature in

29 the form of a law and may not be created by implication or by

30 inaction.

31

 1   Section 3.   Section 12.002, Florida Statutes, is
 2   created to read:
 3   12.002   Role of judicial branch regarding public
 4   records exemptions.--The judicial branch has no power to
 5   create any exemptions to the public's constitutional right to
 6   inspect and copy public records, except as set forth in Rule
 7   of Judicial Administration 2.051, in the form approved by the
 8   Florida Supreme Court on October 29, 1992.
 9   Section 4.   Section 12.003, Florida Statutes, is
10   created to read:
11   12.003   Protection of public.--A state court may not
12   modify or add to an exemption or take any action with regard
13   thereto, except for the complete repeal of Rule of Judicial
14   Administration 2.051, including, but not limited to, imposing
15   moratoriums or restrictions on the form in which such public
16   records are maintained or on the means of dissemination
17   thereof. Any attempt by any state court to do so shall be
18   considered a nullity, and no person shall be placed in
19   jeopardy of loss of liberty or property for refusing or
20   failing to abide by any such modification or addition.
21   Section 5.   This act shall take effect upon becoming a
22   law and, because it implements and clarifies the application
23   of Section 24, Article I of the State Constitution, shall
24   apply retroactively to November 3, 1992.
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26   ***
27   SENATE SUMMARY
28   Declares the exclusivity of the Legislature's authority
       to create exemptions from public-records disclosure
29   requirements. Prohibits courts from creating or modifying
       such exemptions and prohibits enforcement of such a
30   creation or modification. The act applies retroactively
       to November 3, 1992.
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