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1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act regarding public records, manuscripts,
 4 and archival materials in the custody of the Division of
 5 Library and Information Services of the Department of
 6 State; renumbering and amending s. 257.35(1)(b), F.S.;
 7 transferring provisions which provide a public record
 8 exemption for all public records transferred to the
 9 custody of the division and any nonpublic manuscript and
 10 for other archival material which is placed in the keeping
 11 of the division under special terms and conditions;
 12 amending s. 257.38, F.S.; defining "nonpublic manuscript
 13 or other archival material"; clarifying the public record
 14 exemption for nonpublic manuscripts or other archival
 15 materials donated to and held by an official archive of a
 16 municipality or county contingent upon special terms and
 17 conditions that limit the right to inspect or copy such
 18 manuscripts or materials; removing the scheduled repeal of
 19 the exemption; making editorial changes; amending s.
 20 257.35, F.S.; reorganizing provisions; providing an
 21 effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Paragraph (b) of subsection (1) of section
 26 257.35, Florida Statutes, is transferred and redesignated as
 27 subsections (1), (2), and (3) of section 257.38, Florida
 28 Statutes, and amended, and that section is amended, to read:

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29 | 257.38 Manuscripts or other archival material ~~held by~~
 30 | ~~local government~~; public records exemption.--

31 | (1) ~~(b)~~ For purposes of this section, "nonpublic manuscript
 32 | or other archival material" means a manuscript or archival
 33 | material that is not otherwise made or received pursuant to law
 34 | or ordinance or in connection with the transaction of official
 35 | business by any governmental agency. ~~Preserve and administer~~
 36 | ~~such records as shall be transferred to its custody; accept,~~
 37 | ~~arrange, and preserve them, according to approved archival~~
 38 | ~~practices; and permit them, at reasonable times and under the~~
 39 | ~~supervision of the division, to be inspected and copied.~~

40 | (2) All public records transferred to the custody of the
 41 | division shall be subject to the provisions of s. 119.07(1),
 42 | except that any public record or other record provided by law to
 43 | be confidential or prohibited from inspection by the public
 44 | shall be made accessible only after a period of 50 years from
 45 | the date of the creation of the record.

46 | (3) Any nonpublic manuscript or other archival material
 47 | which is placed in the keeping of the division under special
 48 | terms and conditions, shall be made accessible only in
 49 | accordance with such ~~law~~ terms and conditions and shall be
 50 | exempt from the provisions of s. 119.07(1) to the extent
 51 | necessary to meet the terms and conditions for a nonpublic
 52 | manuscript or other archival material.

53 | (4) Any nonpublic ~~A~~ manuscript or other archival material
 54 | that is donated to and held by an official archive of a
 55 | municipality or county contingent upon special terms and
 56 | conditions that limit the right to inspect or copy such

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57 | manuscript or other material, ~~but which manuscript or archival~~
 58 | ~~material is not otherwise made or received pursuant to law or~~
 59 | ~~ordinance or in connection with the transaction of official~~
 60 | ~~business by any governmental agency,~~ is confidential and exempt
 61 | from s. 119.07(1) and s. 24(a), Art. I of the State
 62 | Constitution, except as otherwise provided in the special terms
 63 | and conditions. ~~However,~~ A nonpublic manuscript or other
 64 | archival material received under special terms and conditions as
 65 | authorized ~~provided~~ by this subsection ~~section~~ shall be made
 66 | available for inspection and copying 50 years after the date of
 67 | the creation of the nonpublic manuscript or other archival
 68 | material, at an earlier date specified in the special terms or
 69 | conditions, or upon a showing of good cause before a court of
 70 | competent jurisdiction.

71 | ~~(2) Subsection (1) is subject to the Open Government~~
 72 | ~~Sunset Review Act of 1995 in accordance with s. 119.15 and shall~~
 73 | ~~stand repealed on October 2, 2009, unless reviewed and saved~~
 74 | ~~from repeal through reenactment by the Legislature.~~

75 | Section 2. Paragraph (b) of subsection (1) of section
 76 | 257.35, Florida Statutes, as amended by section 1 of this act,
 77 | is amended to read:

78 | 257.35 Florida State Archives.--

79 | (1) There is created within the Division of Library and
 80 | Information Services of the Department of State the Florida
 81 | State Archives for the preservation of those public records, as
 82 | defined in s. 119.011(11), manuscripts, and other archival
 83 | material that have been determined by the division to have
 84 | sufficient historical or other value to warrant their continued

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85 | preservation and have been accepted by the division for deposit
 86 | in its custody. It is the duty and responsibility of the
 87 | division to:

88 | (b) Preserve and administer such records as shall be
 89 | transferred to its custody; accept, arrange, and preserve them,
 90 | according to approved archival practices; and permit them, at
 91 | reasonable times and under the supervision of the division, to
 92 | be inspected and copied.

93 | Section 3. This act shall take effect October 1, 2009.