

1                                   A bill to be entitled  
 2           An act relating to public records; amending s.  
 3           112.3132, F.S.; providing an exemption from public  
 4           records requirements for a complaint of sexual  
 5           harassment and certain information related to such  
 6           complaint held by an agency; providing that such  
 7           complaint is no longer confidential and exempt in  
 8           certain circumstances; authorizing the release of  
 9           confidential and exempt information in certain  
 10          circumstances; providing for future legislative review  
 11          and repeal of the exemption; providing a statement of  
 12          public necessity; providing a contingent effective  
 13          date.

14  
 15 Be It Enacted by the Legislature of the State of Florida:

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 17           Section 1. Subsection (7) is added to section 112.3132,  
 18 Florida Statutes, as created by CS/CS/HB 7007, 2018 Regular  
 19 Session, to read:

20           112.3132 Procedural requirements for prevention and  
 21 protection from sexual harassment.—

22           (7) (a) A complaint of sexual harassment and any  
 23 information related to such complaint held by an agency is  
 24 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
 25 of the State Constitution. The complaint is no longer

26 confidential and exempt if probable cause is determined to  
 27 exist.

28 (b) Notwithstanding paragraph (a), the personal  
 29 identifying information of a witness involved in an  
 30 investigation of sexual harassment shall remain confidential and  
 31 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 32 Constitution, and the personal identifying information of an  
 33 alleged victim of sexual harassment shall remain confidential  
 34 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 35 Constitution as provided in s. 119.071(2)(n).

36 (c) Upon request, confidential and exempt information may  
 37 be provided to:

38 1. A governmental entity in the furtherance of its lawful  
 39 duties and responsibilities.

40 2. The alleged victim and the individual accused of sexual  
 41 harassment, or their attorneys, following a determination that  
 42 probable cause exists.

43 (d) This subsection is subject to the Open Government  
 44 Sunset Review Act in accordance with s. 119.15 and shall stand  
 45 repealed on October 2, 2023, unless reviewed and saved from  
 46 repeal through reenactment by the Legislature.

47 Section 2. The Legislature finds that it is a public  
 48 necessity that sexual harassment complaints and all information  
 49 related to such complaints be made confidential and exempt from  
 50 s. 119.07(1), Florida Statutes, and s. 24(a), Art. I of the

51 State Constitution. The Legislature finds that such complaints  
52 should remain confidential and exempt from public records  
53 requirements until the agency determines probable cause exists.  
54 The Legislature further finds that it is a public necessity to  
55 maintain the confidentiality of personal identifying information  
56 of witnesses involved in an investigation and alleged victims of  
57 incidents of sexual harassment. This public records exemption  
58 protects information of a sensitive personal nature, the release  
59 of which could be defamatory or cause unwarranted damage to the  
60 good name or reputation of such individuals. Disclosure of  
61 personal identifying information of such individuals could place  
62 them at further risk of harassment and retaliation and could  
63 result in such individuals being hesitant to cooperate in a  
64 forthcoming manner with an investigation. The potential  
65 disclosure of such complaints and related information before a  
66 determination of probable cause could create a disincentive for  
67 alleged victims to report incidents of sexual harassment and  
68 jeopardize the integrity of an investigation of sexual  
69 harassment. The Legislature further finds that it is a public  
70 necessity to continue to protect information related to the  
71 complaint because of the explicit and graphic nature of such  
72 information, the release of which could re-victimize alleged  
73 victims of sexual harassment. For these reasons, the Legislature  
74 finds that the potential harm that may result from the release  
75 of such information outweighs any public benefit that may be

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76 | derived from its disclosure.

77 |       Section 3. This act shall take effect on the same date  
78 | that CS/CS/HB 7007 or similar legislation takes effect, if such  
79 | legislation is adopted in the same legislative session of an  
80 | extension thereof and becomes a law.