

THE FLORIDA SENATE
2018 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

HB 7077 — OGSR/Agency Employee Misconduct Complaints

by Oversight, Transparency, and Administration Subcommittee and Rep. Davis and others (SB 7018 by Ethics and Elections Committee)

The bill is based on an Open Government Sunset Review of a public records exemption for complaints of misconduct filed with an agency against an agency employee and all information obtained from an investigation by the agency of the complaint of misconduct.

Current law requires that complaints of misconduct filed with an agency against an agency employee be kept confidential and exempt from public records requirements. If an agency investigates such a complaint, the information obtained from the investigation is also confidential and exempt. The complaint and the investigative information remain confidential and exempt until either the investigation ceases to be active or the agency provides written notice to the employee who is the subject of the complaint. The written notice may be delivered personally or by mail and must state that the agency has concluded the investigation with a finding to proceed with disciplinary action, file charges, or not to proceed.

The bill removes the scheduled October 2, 2018, repeal date.

If approved by the Governor, these provisions take effect October 1, 2018.

Vote: Senate 36-0; House 113-1