

By Senator Latvala

19-921-01

1                                   A bill to be entitled  
2           An act relating to public records exemptions;  
3           amending s. 440.45, F.S.; exempting from public  
4           record requirements certain information  
5           obtained by the Division of Administrative  
6           Hearings in investigating complaints against  
7           judges of compensation claims; providing for  
8           the applicability of confidentiality  
9           provisions; authorizing the furnishing of  
10          information under certain conditions; providing  
11          for future review and repeal; providing a  
12          finding of public necessity; providing an  
13          effective date.

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

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17           Section 1. Paragraphs (f) and (g) are added to  
18          subsection (2) of section 440.45, Florida Statutes, to read:

19           440.45 Office of the Judges of Compensation Claims.--  
20           (2)

21           (f) All investigatory records of the Division of  
22          Administrative Hearings made or received pursuant to this  
23          section and any records necessary to complete an investigation  
24          are confidential and exempt from the provisions of s.  
25          119.07(1) and s. 24(a), Art. I of the State Constitution until  
26          the investigation is completed or ceases to be active. For  
27          purposes of this subsection, an investigation is considered  
28          active while such investigation is being conducted by the  
29          division with a reasonable, good-faith belief that it may lead  
30          to the filing of administrative, civil, or criminal  
31          proceedings. An investigation does not cease to be active if

1 the division is proceeding with reasonable dispatch and there  
2 is a good-faith belief that action may be initiated by the  
3 division or another administrative or law enforcement agency.  
4 After an investigation is completed or ceases to be active,  
5 records relating to the investigation remain confidential and  
6 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.  
7 I of the State Constitution, if disclosure would:

- 8 1. Jeopardize the integrity of another active  
9 investigation;
- 10 2. Reveal business or personal financial information;
- 11 3. Reveal the identity of a confidential source;
- 12 4. Defame or cause unwarranted damage to the good name  
13 or reputation of an individual or jeopardize the safety of an  
14 individual; or
- 15 5. Reveal investigative techniques or procedures.

16 (g) This exemption is subject to Open Government  
17 Sunset Review Act of 1995 in accordance with s. 119.15, and  
18 shall stand repealed on October 2, 2006, unless reviewed and  
19 saved by repeal by the Legislature.

20 Section 2. The Legislature finds that it is a public  
21 necessity that the Division of Administrative Hearings  
22 investigatory and examination records be held confidential and  
23 exempt during an investigation in order not to compromise the  
24 investigation and disseminate potentially inaccurate  
25 information. To the extent this information is made available  
26 to the public, those persons being investigated will have  
27 access to such information, which would potentially defeat the  
28 purpose of the investigation. This would impede the effective  
29 and efficient operation of investigatory governmental  
30 functions. Additionally, the Legislature finds that it is a  
31 public necessity that business or personal financial records

1 remain confidential and exempt after an investigation is  
 2 completed or ceases to be active because the disclosure of  
 3 such information would injure the affected party in the  
 4 marketplace. Further, information that would defame or cause  
 5 unwarranted damage to the name or reputation of an individual,  
 6 or jeopardize the safety of an individual, must remain  
 7 confidential and exempt after an investigation is completed or  
 8 ceases to be active to protect that individual's name or  
 9 reputation or personal safety. As well, information that would  
 10 jeopardize the integrity of another active investigation or  
 11 that would reveal investigative techniques or procedures must  
 12 remain confidential and exempt after an investigation is  
 13 completed or ceases to be active in order to permit the  
 14 effective and efficient operation of the program.

15 Section 3. This act shall take effect on the effective  
 16 date of Senate Bill 1188 or similar legislation relating to  
 17 the judges of compensation claims of the Division of  
 18 Administrative Hearings.

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21 SENATE SUMMARY

22 Exempts records of the Division of Administrative  
 23 Hearings relating to investigations of judges of  
 24 compensation claims from public-records disclosure  
 25 requirements.  
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