

1                                   A bill to be entitled  
2           An act relating to public records and meetings;  
3           creating s. 240.213(6), F.S.; providing that  
4           the claims files of self-insurance programs  
5           adopted under this section are exempt from  
6           public-disclosure requirements; reenacting and  
7           amending s. 240.237, F.S.; providing that  
8           certain university and college student records  
9           as prescribed by the university and college  
10          board of trustees are exempt from  
11          public-disclosure requirements; reenacting and  
12          amending s. 240.253, F.S.; providing that  
13          university and college boards of trustees adopt  
14          rules relating to employee records; providing  
15          that certain university and college employee  
16          records are exempt from public-disclosure  
17          requirements; providing findings of public  
18          necessity; providing an effective date.

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

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22           Section 1. Subsection (6) of section 240.213, Florida  
23 Statutes, is created to read:24           240.213 Board authorized to secure liability  
25 insurance.--26           (6) The claims files of a self-insurance program  
27 adopted under this section are exempt from s. 119.07(1) and s.  
28 24(a), Art. I of the State Constitution.29           Section 2. Notwithstanding subsection (7) of section 3  
30 of chapter 2000-321, Laws of Florida, section 240.237, Florida  
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1 Statutes, is not repealed on January 7, 2003, as provided in  
2 that act, but that section is reenacted and amended to read:  
3       240.237 Student records.--The university and college  
4 boards of trustees may prescribe the content and custody of  
5 records and reports which the university or college may  
6 maintain on its students. Such records are confidential and  
7 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.  
8 I of the State Constitution, and are open to inspection only  
9 as provided in s. 228.093.

10       Section 3. Notwithstanding subsection (7) of section 3  
11 of chapter 2000-321, Laws of Florida, section 240.253, Florida  
12 Statutes, is not repealed on January 7, 2003, as provided in  
13 that act, but that section is reenacted and amended to read:

14       240.253 Personnel records.--

15       (1) Each university and college board of trustees  
16 shall adopt rules prescribing the content and custody of  
17 limited-access records that the university or college may  
18 maintain on its employees. Such limited-access records are  
19 confidential and exempt from the provisions of s. 119.07(1)  
20 and s. 24(a), Art. I of the State Constitution. Such records  
21 are limited to the following:

22       (a) Records containing information reflecting academic  
23 evaluations of employee performance shall be open to  
24 inspection only by the employee and by officials of the  
25 university or college responsible for supervision of the  
26 employee.

27       (b) Records maintained for the purposes of any  
28 investigation of employee misconduct, including but not  
29 limited to a complaint against an employee and all information  
30 obtained pursuant to the investigation of such complaint,  
31 shall be confidential until the investigation ceases to be

1 active or until the university or college provides written  
2 notice to the employee who is the subject of the complaint  
3 that the university or college has either:

4 1. Concluded the investigation with a finding not to  
5 proceed with disciplinary action;

6 2. Concluded the investigation with a finding to  
7 proceed with disciplinary action; or

8 3. Issued a letter of discipline.  
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10 For the purpose of this paragraph, an investigation shall be  
11 considered active as long as it is continuing with a  
12 reasonable, good-faith ~~good-faith~~ anticipation that a finding  
13 will be made in the foreseeable future. An investigation  
14 shall be presumed to be inactive if no finding is made within  
15 90 days after the complaint is filed.

16 (c) Records maintained for the purposes of any  
17 disciplinary proceeding brought against an employee shall be  
18 confidential until a final decision is made in the proceeding.  
19 The record of any disciplinary proceeding, including any  
20 evidence presented, shall be open to inspection by the  
21 employee at all times.

22 (d) Records maintained for the purposes of any  
23 grievance proceeding brought by an employee for enforcement of  
24 a collective bargaining agreement or contract shall be  
25 confidential and shall be open to inspection only by the  
26 employee and by officials of the university or college  
27 conducting the grievance proceeding until a final decision is  
28 made in the proceeding.

29 (2) Notwithstanding the foregoing, any records or  
30 portions thereof which are otherwise confidential by law shall  
31 continue to be exempt from the provisions of s. 119.07(1) and

1 s. 24(a), Art. I of the State Constitution. In addition, for  
2 sexual harassment investigations, portions of such records  
3 which identify the complainant, a witness, or information  
4 which could reasonably lead to the identification of the  
5 complainant or a witness are limited-access records.

6 (3) Except as required for use by the president in the  
7 discharge of his or her official responsibilities, the  
8 custodian of limited-access records may release information  
9 from such records only upon authorization in writing from the  
10 employee or upon order of a court of competent jurisdiction.

11 (4) Notwithstanding the provisions of subsection (1),  
12 records comprising the common core items contained in the  
13 State University System Student Assessment of Instruction  
14 instrument may not be prescribed as limited-access records.

15 (5) This act shall apply to records created after July  
16 1, 1995.

17 Section 4. (1) The Legislature finds it is a public  
18 necessity to exempt the claims files of self-insurance  
19 programs under section 240.213, Florida Statutes, from  
20 disclosure because the disclosure of confidential business  
21 information would injure the affected entity in the  
22 marketplace by reducing its business advantage by providing  
23 competitors and claimants with detailed insight into the  
24 management of claims.

25 (2) The Legislature finds it is a public necessity to  
26 exempt certain student records under section 240.237, Florida  
27 Statutes, from disclosure because the confidential information  
28 is of a sensitive personal nature. The exemption is necessary  
29 to protect student safety and a student's expectation of  
30 privacy. The records are open to inspection only as provided  
31 in section 228.093, Florida Statutes.

1           (3) The Legislature finds it is a public necessity to  
2 exempt certain employee records under section 240.253, Florida  
3 Statutes, from disclosure because the confidential information  
4 is of a sensitive personal nature. The exemption is necessary  
5 to protect employee safety and to protect an employee's  
6 expectation of privacy.

7           Section 5. This act shall take effect January 7, 2003.

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