



HB 1035

2003

1 A bill to be entitled

2 An act relating to a public records exemption for  
3 investigatory records relating to workers' compensation  
4 employer compliance; amending s. 440.108, F.S.; providing  
5 an exception to the exemption; adding conforming and  
6 clarifying language; removing the October 2, 2003, repeal  
7 thereof scheduled under the Open Government Sunset Review  
8 Act of 1995; providing an effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Notwithstanding the October 2, 2003, repeal of  
13 said section scheduled pursuant to the Open Government Sunset  
14 Review Act of 1995, section 440.108, Florida Statutes, is  
15 amended to read:

16 440.108 Investigatory records relating to workers'  
17 compensation employer compliance; confidentiality.--

18 (1) All investigatory records ~~of the department~~ made or  
19 received pursuant to s. 440.107 and any records necessary to  
20 complete an investigation held by the department are  
21 confidential and exempt from the provisions of s. 119.07(1) and  
22 s. 24(a), Art. I of the State Constitution until the  
23 investigation is completed or ceases to be active. For purposes  
24 of this section, an investigation is considered "active" while  
25 such investigation is being conducted by the department with a  
26 reasonable, good faith belief that it may lead to the filing of  
27 administrative, civil, or criminal proceedings. An investigation  
28 does not cease to be active if the agency is proceeding with  
29 reasonable dispatch and there is a good faith belief that action



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30 may be initiated by the agency or other administrative or law  
31 enforcement agency.

32 (2) After an investigation is completed or ceases to be  
33 active, information in records relating to the investigation  
34 remains ~~remain~~ confidential and exempt from the provisions of s.  
35 119.07(1) and s. 24(a), Art. I of the State Constitution if  
36 disclosure of that information would:

37 (a) Jeopardize the integrity of another active  
38 investigation;

39 (b) Reveal a trade secret, as defined in s. 688.002;

40 (c) Reveal business or personal financial information;

41 (d) Reveal personal identifying information regarding the  
42 identity of a confidential source;

43 (e) Defame or cause unwarranted damage to the good name or  
44 reputation of an individual or jeopardize the safety of an  
45 individual; or

46 (f) Reveal investigative techniques or procedures.

47 (3) The department may provide information made  
48 confidential and exempt by this section to any law enforcement  
49 agency or administrative agency for use in the performance of  
50 its official duties and responsibilities. The receiving agency  
51 must maintain the confidential and exempt status of such  
52 information.

53 ~~(2) This exemption is subject to the Open Government~~  
54 ~~Sunset Review Act of 1995 in accordance with s. 119.15, and~~  
55 ~~shall stand repealed on October 2, 2003, unless reviewed and~~  
56 ~~saved from repeal through reenactment by the Legislature.~~

57 Section 2. This act shall take effect October 1, 2003.