

By Senator Aronberg

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A bill to be entitled

An act relating to public records; amending s. 741.313, F.S.; providing an exemption from public-records requirements for certain records submitted by an employee of a state agency who is a victim of domestic violence; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Subsection (7) is added to section 741.313, Florida Statutes, to read:

741.313 Unlawful action against employees seeking protection.--

(7)(a) Personal identifying information that is contained in records documenting an act of domestic violence and that is submitted to an agency, as defined in chapter 119, by an agency employee pursuant to the requirements of this section is confidential and exempt from public disclosure.

(b) A written request for leave which is submitted by an agency employee pursuant to the requirements of this section and any agency time sheet that reflects such a request are confidential and exempt from disclosure until 1 year after the leave has been taken.

(c) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.

1           Section 2. The Legislature finds that it is a public  
2 necessity to make confidential and exempt from disclosure  
3 personal identifying information contained in records  
4 submitted to a state agency by an agency employee which  
5 documents an act of domestic violence and which is submitted  
6 in order to obtain leave pursuant to s. 741.313, Florida  
7 Statutes. Such information, if publicly available, could  
8 expose the victim of domestic violence to public humiliation  
9 and shame and could inhibit that victim from availing himself  
10 or herself of the relief provided under s. 741.313, Florida  
11 Statutes. In addition, the Legislature finds that it is a  
12 public necessity to make confidential and exempt from  
13 disclosure an agency employee's request for leave until 1 year  
14 after the leave has been taken. If such information were  
15 publicly available, it could be used by the partner or former  
16 partner of the victim of domestic violence to determine the  
17 schedule and location of the employee who is the victim of  
18 domestic violence. The employee's request for leave is exempt  
19 from disclosure only temporarily and such record is available  
20 1 year after the leave has been taken, thereby providing  
21 continued public oversight of public moneys.

22           Section 3. This act shall take effect on the same date  
23 that Senate Bill 498 or similar legislation takes effect, if  
24 such legislation is adopted in the same legislative session,  
25 or an extension thereof, and becomes law.

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28           SENATE SUMMARY

29           Provides an exemption from public-records requirements  
30 for certain records submitted by an employee of a state  
31 agency who is a victim of domestic violence. Provides for  
future review and repeal of the exemption under the Open  
Government Sunset Review Act.