

By the Committee on Children, Families, and Elder Affairs; and
Senator Aronberg

586-1988-07

1 A bill to be entitled
2 An act relating to public records; amending s.
3 741.313, F.S.; providing an exemption from
4 public-records requirements for certain records
5 and time sheets submitted to an agency, as
6 defined in ch. 119, F.S., by an employee who is
7 a victim of domestic violence; providing for
8 future legislative review and repeal under the
9 Open Government Sunset Review Act; providing a
10 statement of public necessity; providing a
11 contingent effective date.

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

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15 Section 1. Subsection (7) is added to section 741.313,
16 Florida Statutes, as created by SB 188, 2007 Regular Session,
17 to read:

18 741.313 Unlawful action against employees seeking
19 protection.--

20 (7)(a) Personal identifying information that is
21 contained in records documenting an act of domestic violence
22 and that is submitted to an agency, as defined in chapter 119,
23 by an agency employee pursuant to the requirements of this
24 section is confidential and exempt from s. 119.07(1) and s.
25 24(a), Art. I of the State Constitution.

26 (b) A written request for leave which is submitted by
27 an agency employee pursuant to the requirements of this
28 section and any agency time sheet that reflects such a request
29 are confidential and exempt from s. 119.07(1) and s. 24(a),
30 Art. I of the State Constitution until 1 year after the leave
31 has been taken.

1 (c) This subsection is subject to the Open Government
2 Sunset Review Act in accordance with s. 119.15, and shall
3 stand repealed on October 2, 2012, unless reviewed and saved
4 from repeal through reenactment by the Legislature.

5 Section 2. The Legislature finds that it is a public
6 necessity to make confidential and exempt from disclosure
7 personal identifying information contained in records
8 submitted to an agency, as defined in chapter 119, Florida
9 Statutes, by an agency employee which documents an act of
10 domestic violence and which is submitted in order to obtain
11 leave pursuant to s. 741.313, Florida Statutes. Such
12 information, if publicly available, could expose the victim of
13 domestic violence to public humiliation and shame and could
14 inhibit that victim from availing himself or herself of the
15 relief provided under s. 741.313, Florida Statutes. In
16 addition, the Legislature finds that it is a public necessity
17 to make confidential and exempt from disclosure an agency
18 employee's request for leave until 1 year after the leave has
19 been taken. If that information were publicly available, it
20 could be used by the partner or former partner of the victim
21 of domestic violence to determine the schedule and location of
22 the employee who is the victim of domestic violence. The
23 employee's request for leave is exempt from disclosure only
24 temporarily and such record is available 1 year after the
25 leave has been taken, thereby providing continued public
26 oversight of public moneys.

27 Section 3. This act shall take effect on the same date
28 that Senate Bill 188 or similar legislation takes effect, if
29 such legislation is adopted in the same legislative session,
30 or an extension thereof, and becomes law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 186

The Committee Substitute adds the bill number for the linked bill, CS/SB 188.