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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/25/2008	.	
	.	
	.	

1 The Committee on Judiciary (Fasano) recommended the following
 2 **amendment:**

Senate Amendment (with title amendment)

5 Delete everything after the enacting clause
6 and insert:

7 Section 1. Subsection (1) of section 119.0711, Florida
8 Statutes, is transferred and redesignated as a new paragraph (g)
9 of subsection (2) of section 119.071, Florida Statutes, and
10 amended, and present paragraph (g) of subsection (2) of that
11 section is amended, to read:

12 119.071 General exemptions from inspection or copying of
13 public records.--

14 (2) AGENCY INVESTIGATIONS.--

15 (g)1.a.(1) All complaints and other records in the custody
16 of any agency ~~in the executive branch of state government~~ which
17 relate to a complaint of discrimination relating to race, color,

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18 religion, sex, national origin, age, handicap, or marital status
19 in connection with hiring practices, position classifications,
20 salary, benefits, discipline, discharge, employee performance,
21 evaluation, or other related activities are exempt from s.
22 119.07(1) and s. 24(a), Art. I of the State Constitution until a
23 finding is made relating to probable cause, the investigation of
24 the complaint becomes inactive, or the complaint or other record
25 is made part of the official record of any hearing or court
26 proceeding.

27 b. This provision shall not affect any function or activity
28 of the Florida Commission on Human Relations.

29 c. Any state or federal agency that is authorized to have
30 access to such complaints or records by any provision of law
31 shall be granted such access in the furtherance of such agency's
32 statutory duties.

33 2.-(g) When the alleged victim chooses not to file a
34 complaint and requests that records of the complaint remain
35 confidential, all records relating to an allegation of employment
36 discrimination are confidential and exempt from s. 119.07(1) and
37 s. 24(a), Art. I of the State Constitution.

38 3. This paragraph is subject to the Open Government Sunset
39 Review Act in accordance with s. 119.15 and shall stand repealed
40 on October 2, 2013, unless reviewed and saved from repeal through
41 reenactment by the Legislature.

42 Section 2. The Legislature finds that it is a public
43 necessity that all complaints and other records in the custody of
44 any agency which relate to a complaint of discrimination relating
45 to race, color, religion, sex, national origin, age, handicap, or
46 marital status in connection with hiring practices, position
47 classifications, salary, benefits, discipline, discharge,



48 employee performance, evaluation, or other related activities be
49 made exempt from public-record requirements until a finding is
50 made relating to probable cause, the investigation of the
51 complaint becomes inactive, or the complaint or other record is
52 made part of the official record of any hearing or court
53 proceeding. This exemption is necessary because the release of
54 such information could potentially be defamatory to an individual
55 under investigation or cause unwarranted damage to the good name
56 or reputation of such individual. In addition, the Legislature
57 finds that it is a public necessity that such information be made
58 temporarily exempt from public-record requirements so that the
59 investigation is not otherwise significantly impaired. The
60 exemption creates a secure environment in which an agency may
61 conduct its investigation.

62 Section 3. Paragraph (b) of subsection (2) of section
63 338.223, Florida Statutes, is amended to read:

64 338.223 Proposed turnpike projects.--

65 (2)

66 (b) In accordance with the legislative intent expressed in
67 s. 337.273, and after the requirements of paragraph (1)(c) have
68 been met, the department may acquire lands and property before
69 making a final determination of the economic feasibility of a
70 project. The requirements of paragraph (1)(c) do not apply to
71 hardship and protective purchases of advance right-of-way by the
72 department. The cost of advance acquisition of right-of-way may
73 be paid from bonds issued under s. 337.276 or from turnpike
74 revenues. For purposes of this paragraph, the term "hardship
75 purchase" means purchase from a property owner of a residential
76 dwelling of not more than four units who is at a disadvantage due
77 to health impairment, job loss, or significant loss of rental



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78 | income. For purposes of this paragraph, the term "protective
79 | purchase" means that a purchase to limit development, building,
80 | or other intensification of land uses within the area right-of-
81 | way is needed for transportation facilities. The department shall
82 | give written notice to the Department of Environmental Protection
83 | 30 days before final agency acceptance as set forth in s.
84 | 119.0711(2), which notice shall allow the Department of
85 | Environmental Protection to comment. Hardship and protective
86 | purchases of right-of-way shall not influence the environmental
87 | feasibility of a project, including the decision relative to the
88 | need to construct the project or the selection of a specific
89 | location. Costs to acquire and dispose of property acquired as
90 | hardship and protective purchases are considered costs of doing
91 | business for the department and are not to be considered in the
92 | determination of environmental feasibility for the project.

93 | Section 4. This act shall take effect upon becoming a law.

94 |
95 | ===== T I T L E A M E N D M E N T =====

96 | And the title is amended as follows:

97 |
98 | Delete everything before the enacting clause
99 | and insert:

100 |
101 | A bill to be entitled
102 | An act relating to public records; renumbering and
103 | amending s. 119.0711(1), F.S.; transferring provisions
104 | which provide a public-records exemption for complaints
105 | and other records in the custody of any agency in the
106 | executive branch of state government which relate to a
107 | complaint of discrimination; expanding the exemption to



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108 | provide for applicability to any agency rather than any
109 | agency in the executive branch of state government;
110 | amending s. 119.071, F.S.; reorganizing provisions;
111 | providing for review and repeal of the exemption;
112 | providing a statement of public necessity; amending s.
113 | 338.223, F.S.; conforming a cross-reference; providing an
114 | effective date.