

By the Committee on Judiciary; and Senator Fasano

590-07880-08

20082574c1

1 A bill to be entitled

2 An act relating to public records; amending s. 741.313,  
3 F.S.; expanding an exemption from public-records  
4 requirements for certain records and time sheets submitted  
5 to an agency to include those submitted by an employee who  
6 is a victim of sexual violence; extending future  
7 legislative review and repeal; amending s. 2, ch. 2007-  
8 108, Laws of Florida; revising a statement of public  
9 necessity to conform; providing a contingent effective  
10 date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Subsection (7) of section 741.313, Florida  
15 Statutes, is amended to read:

16 741.313 Unlawful action against employees seeking  
17 protection.--

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

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

29 (c) This subsection is subject to the Open Government

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30 | Sunset Review Act in accordance with s. 119.15, and shall stand  
31 | repealed on October 2, 2013 ~~2012~~, unless reviewed and saved from  
32 | repeal through reenactment by the Legislature.

33 |       Section 2. Section 2 of chapter 2007-108, Laws of Florida,  
34 | is amended to read:

35 |       Section 3. The Legislature finds that it is a public  
36 | necessity to make confidential and exempt from disclosure  
37 | personal identifying information contained in records submitted  
38 | to an agency, as defined in chapter 119, Florida Statutes, by an  
39 | agency employee which documents an act of domestic violence or  
40 | sexual violence and which is submitted in order to obtain leave  
41 | under s. 741.313, Florida Statutes. Such information, if publicly  
42 | available, could expose the victim of domestic violence or sexual  
43 | violence to public humiliation and shame and could inhibit that  
44 | victim from availing himself or herself of the relief provided  
45 | under s. 741.313, Florida Statutes. In addition, the Legislature  
46 | finds that it is a public necessity to make confidential and  
47 | exempt from disclosure an agency employee's request for leave  
48 | until 1 year after the leave has been taken. If that information  
49 | were publicly available, it could be used by the partner or  
50 | former partner of the victim of domestic violence or by the  
51 | perpetrator of sexual violence to determine the schedule and  
52 | location of the employee who is the victim of domestic violence  
53 | or sexual violence. The employee's request for leave is exempt  
54 | from disclosure only temporarily and such record is available 1  
55 | year after the leave has been taken, thereby providing continued  
56 | public oversight of public moneys.

57 |       Section 4. This act shall take effect on the same date that  
58 | Senate Bill 994 or similar legislation takes effect, if such

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59 | legislation is adopted in the same legislative session, or an  
60 | extension thereof, and becomes law.