

1 A bill to be entitled
 2 An act relating to public records; renumbering and
 3 amending s. 119.0711(1), F.S.; transferring provisions
 4 which provide a public records exemption for complaints
 5 and other records in the custody of any agency in the
 6 executive branch of state government which relate to a
 7 complaint of discrimination; expanding the exemption to
 8 provide for applicability to any agency rather than any
 9 agency in the executive branch of state government;
 10 amending s. 119.071, F.S.; reorganizing provisions;
 11 providing for review and repeal of the exemption;
 12 providing a statement of public necessity; amending s.
 13 338.223, F.S.; conforming a cross-reference; providing an
 14 effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Subsection (1) of section 119.0711, Florida
 19 Statutes, is transferred and redesignated as a new paragraph (g)
 20 of subsection (2) of section 119.071, Florida Statutes, and
 21 amended, and present paragraph (g) of subsection (2) of that
 22 section is amended, to read:

23 119.071 General exemptions from inspection or copying of
 24 public records.--

25 (2) AGENCY INVESTIGATIONS.--

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

29 religion, sex, national origin, age, handicap, or marital status
 30 in connection with hiring practices, position classifications,
 31 salary, benefits, discipline, discharge, employee performance,
 32 evaluation, or other related activities are exempt from s.
 33 119.07(1) and s. 24(a), Art. I of the State Constitution until a
 34 finding is made relating to probable cause, the investigation of
 35 the complaint becomes inactive, or the complaint or other record
 36 is made part of the official record of any hearing or court
 37 proceeding.

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

40 c. Any state or federal agency that is authorized to have
 41 access to such complaints or records by any provision of law
 42 shall be granted such access in the furtherance of such agency's
 43 statutory duties.

44 ~~2.(g)~~ When the alleged victim chooses not to file a
 45 complaint and requests that records of the complaint remain
 46 confidential, all records relating to an allegation of
 47 employment discrimination are confidential and exempt from s.
 48 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

53 Section 2. The Legislature finds that it is a public
 54 necessity that all complaints and other records in the custody
 55 of any agency which relate to a complaint of discrimination
 56 relating to race, color, religion, sex, national origin, age,

57 handicap, or marital status in connection with hiring practices,
58 position classifications, salary, benefits, discipline,
59 discharge, employee performance, evaluation, or other related
60 activities be made exempt from public record requirements until
61 a finding is made relating to probable cause, the investigation
62 of the complaint becomes inactive, or the complaint or other
63 record is made part of the official record of any hearing or
64 court proceeding. This exemption is necessary because the
65 release of such information could potentially be defamatory to
66 an individual under investigation or cause unwarranted damage to
67 the good name or reputation of such individual. In addition, the
68 Legislature finds that it is a public necessity that such
69 information be made temporarily exempt from public record
70 requirements so that the investigation is not otherwise
71 significantly impaired. The exemption creates a secure
72 environment in which an agency may conduct its investigation.

73 Section 3. Paragraph (b) of subsection (2) of section
74 338.223, Florida Statutes, is amended to read:

75 338.223 Proposed turnpike projects.--

76 (2)

77 (b) In accordance with the legislative intent expressed in
78 s. 337.273, and after the requirements of paragraph (1)(c) have
79 been met, the department may acquire lands and property before
80 making a final determination of the economic feasibility of a
81 project. The requirements of paragraph (1)(c) do not apply to
82 hardship and protective purchases of advance right-of-way by the
83 department. The cost of advance acquisition of right-of-way may
84 be paid from bonds issued under s. 337.276 or from turnpike

HB 7033

2008

85 revenues. For purposes of this paragraph, the term "hardship
86 purchase" means purchase from a property owner of a residential
87 dwelling of not more than four units who is at a disadvantage
88 due to health impairment, job loss, or significant loss of
89 rental income. For purposes of this paragraph, the term
90 "protective purchase" means that a purchase to limit
91 development, building, or other intensification of land uses
92 within the area right-of-way is needed for transportation
93 facilities. The department shall give written notice to the
94 Department of Environmental Protection 30 days before final
95 agency acceptance as set forth in s. 119.0711~~(2)~~, which notice
96 shall allow the Department of Environmental Protection to
97 comment. Hardship and protective purchases of right-of-way shall
98 not influence the environmental feasibility of a project,
99 including the decision relative to the need to construct the
100 project or the selection of a specific location. Costs to
101 acquire and dispose of property acquired as hardship and
102 protective purchases are considered costs of doing business for
103 the department and are not to be considered in the determination
104 of environmental feasibility for the project.

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