

By Senator Ring

32-00789-09

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1 A bill to be entitled
 2 An act relating to public records and public meetings;
 3 creating s. 112.823, F.S.; providing an exemption from
 4 public-records requirements for a disciplinary
 5 complaint filed against a firefighter and the
 6 investigative records related to the complaint;
 7 providing an exemption from public-meeting
 8 requirements for proceedings or meetings, or any
 9 portion of a proceeding or meeting, at which such
 10 confidential and exempt information is presented or
 11 discussed; providing for limited duration of the
 12 exemptions; providing for review and repeal of the
 13 exemption; providing a statement of public necessity;
 14 providing a contingent effective date.

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

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 18 Section 1. Section 112.823, Florida Statutes, is created to
 19 read:

20 112.823 Disciplinary complaints against firefighters;
 21 public-records exemption; public-meeting exemption.-

22 (1) (a) A disciplinary complaint filed against a firefighter
 23 and the investigative records related to the complaint are
 24 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 25 of the State Constitution; and

26 (b) All proceedings or meetings, including any informal
 27 inquiry, formal investigation, interrogation, or administrative
 28 proceeding, or any portion of a proceeding or meeting, at which
 29 information made confidential and exempt pursuant to paragraph

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30 (a) is presented or discussed are exempt from s. 286.011 and s.
31 24(b), Art. I of the State Constitution,

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33 either until the firefighter who is the subject of the complaint
34 requests in writing that such investigation and associated
35 records and meetings be made public or until such time as a
36 final determination of whether or not to issue a notice of
37 disciplinary action under s. 112.825, consisting of suspension
38 with loss of pay, demotion, or dismissal, is made.

39 (2) This section is subject to the Open Government Sunset
40 Review Act in accordance with s. 119.15, and shall stand
41 repealed on October 2, 2014, unless reviewed and saved from
42 repeal through reenactment by the Legislature.

43 Section 2. It is the finding of the Legislature that it is
44 a public necessity that a disciplinary complaint filed against a
45 firefighter and the investigative records related to the
46 complaint should be made confidential and exempt from public-
47 records requirements, and that a proceeding or meeting,
48 including any informal inquiry, formal investigation,
49 interrogation, or administrative proceeding, or any portion of a
50 proceeding or meeting, at which such confidential and exempt
51 information is presented or discussed should be made
52 confidential and exempt from public-meeting requirements, either
53 until the firefighter who is the subject of the complaint
54 requests in writing that such investigation and associated
55 records and meetings be made public or until such time as a
56 final determination of whether or not to issue a notice of
57 disciplinary action, consisting of suspension with loss of pay,
58 demotion, or dismissal, is made. These temporary exemptions from

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59 public-records and public-meeting requirements are necessary
60 because the release of such information could potentially be
61 defamatory to a firefighter under investigation or cause
62 unwarranted damage to his or her good name and reputation. The
63 exemptions minimize the possible compromise of an investigation
64 and the disclosure of potentially inaccurate information which
65 could impede the investigatory process. Also, untimely or
66 inappropriate disclosure of information in an investigation has
67 the potential to jeopardize another related investigation should
68 one exist. The exemptions create a secure environment in which
69 an investigation can be conducted in an effective and efficient
70 manner and preclude an unwarranted invasion into the personal
71 privacy of the firefighter and others involved. It is the
72 further finding of the Legislature that, without the temporary
73 exemption from public-meeting requirements, the release of
74 confidential and exempt information which could occur in a
75 public meeting or proceeding would defeat the purpose of the
76 public-records exemption. Additionally, it is the finding of the
77 Legislature that any harm caused by the temporary withholding of
78 such information outweighs any public benefit derived from its
79 release.

80 Section 3. This act shall take effect on the same date that
81 SB ___ or similar legislation takes effect, if such legislation
82 is adopted in the same legislative session or an extension
83 thereof and becomes law.