

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 complaint
 5 filed against a firefighter and the investigative records
 6 related to the complaint; providing an exemption from
 7 public meeting requirements for proceedings or meetings,
 8 or any portion of a proceeding or meeting, at which such
 9 confidential and exempt information is presented or
 10 discussed; providing for limited duration of the
 11 exemptions; providing for review and repeal of the
 12 exemption; providing a statement of public necessity;
 13 providing a contingent effective date.

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

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

19 112.823 Disciplinary complaints against firefighters;
 20 public records exemption; public meeting exemption.--

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

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

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29 (a) is presented or discussed are exempt from s. 286.011 and s.
30 24(b), Art. I of the State Constitution,
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32 either until the firefighter who is the subject of the complaint
33 requests in writing that such investigation and associated
34 records and meetings be made public or until such time as a
35 final determination of whether or not to issue a notice of
36 disciplinary action under s. 112.825, consisting of suspension
37 with loss of pay, demotion, or dismissal, is made.

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39 Review Act in accordance with s. 119.15 and shall stand repealed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

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

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

79 Section 3. This act shall take effect on the same date
80 that HB 725 or similar legislation takes effect, if such
81 legislation is adopted in the same legislative session or an
82 extension thereof and becomes law.