

CS/HB 667

2011

1 A bill to be entitled
2 An act relating to public records; amending s. 119.0713,
3 F.S.; expanding an exemption from public records
4 requirements to include certain records relating to
5 investigations in the custody of an inspector general of a
6 local government; providing for future repeal and
7 legislative review of such revisions to the exemption
8 under the Open Government Sunset Review Act; providing a
9 statement of public necessity; providing an effective
10 date.

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

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14 Section 1. Section 119.0713, Florida Statutes, is amended
15 to read:

16 119.0713 Local government agency exemptions from
17 inspection or copying of public records.—

18 (1) All complaints and other records in the custody of any
19 unit of local government which relate to a complaint of
20 discrimination relating to race, color, religion, sex, national
21 origin, age, handicap, marital status, sale or rental of
22 housing, the provision of brokerage services, or the financing
23 of housing are exempt from s. 119.07(1) and s. 24(a), Art. I of
24 the State Constitution until a finding is made relating to
25 probable cause, the investigation of the complaint becomes
26 inactive, or the complaint or other record is made part of the
27 official record of any hearing or court proceeding. This
28 provision does ~~shall~~ not affect any function or activity of the

29 Florida Commission on Human Relations. Any state or federal
 30 agency that is authorized to ~~have access to~~ such complaints or
 31 records by any provision of law shall be granted such access in
 32 the furtherance of such agency's statutory duties. This
 33 subsection does ~~shall not be construed to~~ modify or repeal any
 34 special or local act.

35 (2) (a) The audit report of an internal auditor and the
 36 investigative report of the inspector general prepared for or on
 37 behalf of a unit of local government becomes a public record
 38 when the audit or investigation becomes final. As used in this
 39 subsection, the term "unit of local government" means a county,
 40 municipality, special district, local agency, authority,
 41 consolidated city-county government, or any other local
 42 governmental body or public body corporate or politic authorized
 43 or created by general or special law. An audit or investigation
 44 becomes final when the audit report or investigative report is
 45 presented to the unit of local government. Audit Workpapers and
 46 notes related to such audit and information received, produced,
 47 or derived from an investigation ~~report~~ are confidential and
 48 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 49 Constitution until the audit or investigation is complete
 50 ~~completed~~ and the audit report becomes final or when the
 51 investigation is no longer active. An investigation is active if
 52 it is continuing with a reasonable, good faith anticipation of
 53 resolution and with reasonable dispatch.

54 (b) Paragraph (a) is subject to the Open Government Sunset
 55 Review Act in accordance with s. 119.15, and shall stand
 56 repealed on October 2, 2016, unless reviewed and saved from

57 repeal through reenactment by the Legislature.

58 (3) Any data, record, or document used directly or solely
59 by a municipally owned utility to prepare and submit a bid
60 relative to the sale, distribution, or use of any service,
61 commodity, or tangible personal property to any customer or
62 prospective customer is exempt from s. 119.07(1) and s. 24(a),
63 Art. I of the State Constitution. This exemption commences when
64 a municipal utility identifies in writing a specific bid to
65 which it intends to respond. This exemption no longer applies
66 after ~~when~~ the contract for sale, distribution, or use of the
67 service, commodity, or tangible personal property is executed, a
68 decision is made not to execute such contract, or the project is
69 no longer under active consideration. The exemption in this
70 subsection includes the bid documents actually furnished in
71 response to the request for bids. However, the exemption for the
72 bid documents submitted no longer applies after the bids are
73 opened by the customer or prospective customer.

74 Section 2. The Legislature finds that a public necessity
75 exists to exempt from public records requirements audit reports
76 and investigative reports and related workpapers and notes and
77 information received, produced, or derived from an audit or
78 investigation by an auditor or inspector general of a local
79 government until the audit or investigation is completed and the
80 audit report becomes final or the investigation is no longer
81 active. The exemption is necessary because the release of such
82 information could potentially be defamatory to an individual or
83 entity under audit or investigation, causing unwarranted damage
84 to the good name or reputation of an individual or company, or

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85 | could significantly impair an administrative or criminal
86 | investigation.

87 | Section 3. This act shall take effect October 1, 2011.