

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Government Operations
 2 Subcommittee

3 Representative Rangel offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (k) is added to subsection (2) of
 8 section 119.071, Florida Statutes, to read:

9 119.071 General exemptions from inspection or copying of
 10 public records.—

11 (2) AGENCY INVESTIGATIONS.—

12 (k)1. A complaint of misconduct filed with an agency
 13 against an agency employee and all information obtained pursuant
 14 to an investigation by the agency of the complaint of misconduct
 15 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.
 16 I of the State Constitution until the investigation ceases to be
 17 active, or until the agency provides written notice to the
 18 employee who is the subject of the complaint, either personally
 19 or by mail, that the agency has either:

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20 a. Concluded the investigation with a finding not to
21 proceed with disciplinary action or file charges; or

22 b. Concluded the investigation with a finding to proceed
23 with disciplinary action or file charges.

24 2. Subparagraph 1. is subject to the Open Government
25 Sunset Review Act in accordance with s. 119.15 and shall stand
26 repealed on October 2, 2018, unless reviewed and saved from
27 repeal through reenactment by the Legislature.

28 Section 2. The Legislature finds that it is a public
29 necessity that a complaint of misconduct filed with an agency
30 against an agency employee and all information obtained pursuant
31 to an investigation by the agency of the complaint of misconduct
32 be made confidential and exempt from the requirements of s.
33 119.07(1), Florida Statutes, and s. 24(a), Article I of the
34 State Constitution. The disclosure of information, such as the
35 nature of the complaint against an agency employee and testimony
36 and evidence given in the investigation of the complaint, could
37 injure an individual and deter that person from providing
38 information pertaining to internal investigations, thus
39 impairing the ability of an agency to conduct an investigation
40 that is fair and reasonable. In the performance of its lawful
41 duties and responsibilities, an agency may need to obtain
42 information for the purpose of determining an administrative
43 action. Without an exemption from public record requirements to
44 protect information of a sensitive personal nature provided to
45 an agency in the course of an internal investigation, such
46 information becomes a public record when received and must be
47 divulged upon request. Disclosure of information obtained during

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48 an internal investigation conducted by an agency inhibits
49 voluntary participation of individuals during internal
50 investigations and makes it difficult if not impossible to
51 determine the truth. Therefore, the Legislature declares that it
52 is a public necessity that a complaint of misconduct filed
53 against with an agency against an agency employee and all
54 information obtained pursuant to an investigation by the agency
55 of the complaint of misconduct be held confidential and exempt
56 from public record requirements.

57 Section 3. This act shall take effect July 1, 2013.

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61 **T I T L E A M E N D M E N T**

62 Remove everything before the enacting clause and insert:

63 A bill to be entitled

64 An act relating to public records; amending s.
65 119.071, F.S.; providing an exemption from public
66 record requirements for a complaint of misconduct
67 filed with an agency against an agency employee and
68 all information obtained pursuant to an investigation
69 of the complaint by the agency; providing for limited
70 duration of the exemption; providing for future review
71 and repeal of the exemption under the Open Government
72 Sunset Review Act; providing a statement of public
73 necessity; providing an effective date.
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