

By the Committee on Governmental Oversight and Accountability

585-02859-13

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1 A bill to be entitled

2 An act relating to public records; amending s.  
3 119.071, F.S., relating to a public records exemption  
4 for agency records concerning complaints of employment  
5 discrimination; saving the exemption from repeal under  
6 the Open Government Sunset Review Act; removing the  
7 scheduled repeal of the exemption; providing an  
8 effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Paragraph (g) of subsection (2) of section 119.071,  
13 Florida Statutes, is amended to read:

14 119.071 General exemptions from inspection or copying of  
15 public records.—

16 (2) AGENCY INVESTIGATIONS.—

17 (g)1.a. All complaints and other records in the custody of  
18 any agency which relate to a complaint of discrimination  
19 relating to race, color, religion, sex, national origin, age,  
20 handicap, or marital status in connection with hiring practices,  
21 position classifications, salary, benefits, discipline,  
22 discharge, employee performance, evaluation, or other related  
23 activities 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.

28 a.b. This exemption does ~~provision shall~~ not affect any  
29 function or activity of the Florida Commission on Human

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30 Relations.

31 ~~b.e.~~ Any state or federal agency that is authorized to have  
32 access to such complaints or records by any provision of law  
33 shall be granted such access in the furtherance of such agency's  
34 statutory duties.

35 2. If an ~~when the~~ alleged victim chooses not to file a  
36 complaint and requests that records of the complaint remain  
37 confidential, all records relating to an allegation of  
38 employment discrimination are confidential and exempt from s.  
39 119.07(1) and s. 24(a), Art. I of the State Constitution.

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41 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~  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

44 Section 2. This act shall take effect October 1, 2013.