

FOR CONSIDERATION By the Committee on Ethics and Elections

582-01851-18

20187018pb

1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 119.071, F.S., which
4 provides an exemption from public records requirements
5 for complaints of misconduct filed with an agency
6 against an agency employee, and all information
7 obtained pursuant to an agency investigation of such
8 complaints; removing the scheduled repeal of the
9 exemption; providing an effective date.

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

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13 Section 1. Paragraph (k) of subsection (2) of section
14 119.071, Florida Statutes, is amended to read:

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

17 (2) AGENCY INVESTIGATIONS.—

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

26 1.a. Concluded the investigation with a finding not to
27 proceed with disciplinary action or file charges; or

28 2.b. Concluded the investigation with a finding to proceed
29 with disciplinary action or file charges.

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30 ~~2. Subparagraph 1. is subject to the Open Government Sunset~~
31 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
32 ~~on October 2, 2018, unless reviewed and saved from repeal~~
33 ~~through reenactment by the Legislature.~~

34 Section 2. This act shall take effect October 1, 2018.