

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., relating  
 4           to an exemption from public record requirements for a  
 5           complaint of misconduct against an agency employee and  
 6           all information obtained pursuant to an investigation  
 7           of such a complaint; removing the scheduled repeal of  
 8           the exemption; providing an effective date.

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

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

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

16           (2) AGENCY INVESTIGATIONS.—

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

25           1.a. Concluded the investigation with a finding not to

HB 7077

2018

26 | proceed with disciplinary action or file charges; or  
27 |       2.b. Concluded the investigation with a finding to proceed  
28 | with disciplinary action or file charges.  
29 |       ~~2. Subparagraph 1. is subject to the Open Government~~  
30 | ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~  
31 | ~~repealed on October 2, 2018, unless reviewed and saved from~~  
32 | ~~repeal through reenactment by the Legislature.~~  
33 |       Section 2. This act shall take effect October 1, 2018.