

By Senator Braynon

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; providing an exemption from public
4 records requirements for complaints in the custody of
5 any agency related to discrimination based on height
6 or weight; amending s. 119.0713, F.S.; providing an
7 exemption from public records requirements for
8 complaints in the custody of any unit of local
9 government related to discrimination based on height
10 or weight; providing a statement of public necessity;
11 providing a contingent effective date.

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

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15 Section 1. Paragraph (g) of subsection (2) of section
16 119.071, Florida Statutes, is amended to read:

17 119.071 General exemptions from inspection or copying of
18 public records.—

19 (2) AGENCY INVESTIGATIONS.—

20 (g)1. All complaints and other records in the custody of
21 any agency which relate to a complaint of discrimination
22 relating to race, color, religion, sex, height, weight, national
23 origin, age, handicap, or marital status in connection with
24 hiring practices, position classifications, salary, benefits,
25 discipline, discharge, employee performance, evaluation, or
26 other related activities are exempt from s. 119.07(1) and s.
27 24(a), Art. I of the State Constitution until a finding is made
28 relating to probable cause, the investigation of the complaint
29 becomes inactive, or the complaint or other record is made part

35-01085-20

20201168__

30 of the official record of any hearing or court proceeding.

31 a. This exemption does not affect any function or activity
32 of the Florida Commission on Human Relations.

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

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

42 Section 2. Subsection (1) of section 119.0713, Florida
43 Statutes, is amended to read:

44 119.0713 Local government agency exemptions from inspection
45 or copying of public records.—

46 (1) All complaints and other records in the custody of any
47 unit of local government which relate to a complaint of
48 discrimination relating to race, color, religion, sex, height,
49 weight, national origin, age, handicap, marital status, sale or
50 rental of housing, the provision of brokerage services, or the
51 financing of housing are exempt from s. 119.07(1) and s. 24(a),
52 Art. I of the State Constitution until a finding is made
53 relating to probable cause, the investigation of the complaint
54 becomes inactive, or the complaint or other record is made part
55 of the official record of any hearing or court proceeding. This
56 provision does not affect any function or activity of the
57 Florida Commission on Human Relations. Any state or federal
58 agency that is authorized to access such complaints or records

35-01085-20

20201168__

59 by any provision of law shall be granted such access in the
60 furtherance of such agency's statutory duties. This subsection
61 does not modify or repeal any special or local act.

62 Section 3. The Legislature finds that it is a public
63 necessity to make complaints related to discrimination based on
64 height or weight exempt from s. 119.07(1), Florida Statutes, and
65 s. 24(a), Article I of the State Constitution. Such personal
66 information, if publicly available, could be used to invade the
67 personal privacy of the complainant or his or her family.
68 Furthermore, the public disclosure of such information could
69 hinder the effective and efficient enforcement of anti-
70 discrimination laws by discouraging complaints. Therefore, the
71 Legislature finds that it is a public necessity that complaints
72 related to discrimination based on height or weight be exempt
73 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
74 the State Constitution.

75 Section 4. This act shall take effect on the same date that
76 SB 644 or similar legislation takes effect if such legislation
77 is adopted in the same legislative session or an extension
78 thereof and becomes a law.