

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           record 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 record 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  
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  
38 | and requests that records of the complaint remain confidential,  
39 | all records relating to an allegation of employment  
40 | discrimination are confidential and exempt from s. 119.07(1) and  
41 | s. 24(a), Art. 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  
45 | inspection 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  
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  
70 antidiscrimination laws by discouraging complaints. Therefore,  
71 the Legislature finds that that it is a public necessity that  
72 complaints related to discrimination based on height or weight  
73 be exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
74 Article I of the State Constitution.

75 Section 4. This act shall take effect on the same date

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76 | that HB 635 or similar legislation takes effect if such  
77 | legislation is adopted in the same legislative session or an  
78 | extension thereof and becomes a law.