

By Senator Jones

35-00991-22

20221308__

1 A bill to be entitled
2 An act relating to public records; amending s.
3 448.046, F.S.; providing a public records exemption
4 for certain personal identifying information, records,
5 and timesheets submitted to an agency by an employee
6 who is requesting specified leave relating to a
7 homicide; providing for future legislative review and
8 repeal of the exemption; providing a statement of
9 public necessity; providing a contingent effective
10 date.

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

13
14 Section 1. Paragraph (d) is added to subsection (4) of
15 section 448.046, Florida Statutes, as created by SB ____, 2022
16 Regular Session, or similar legislation, to read:

17 448.046 Leave and work accommodations for family or
18 household members of homicide victims.—

19 (4)

20 (d)1. The following information obtained by an agency as
21 defined in s. 119.011 from an agency employee requesting leave
22 pursuant to this section is confidential and exempt from s.
23 119.07(1) and s. 24(a), Art. I of the State Constitution:

24 a. Personal identifying information contained in any
25 records documenting a homicide; and

26 b. For a period of 1 year after the date the employee
27 returns to work from such leave, the employee's written request
28 for leave and any timesheets that reflect such request.

29 2. This paragraph is subject to the Open Government Sunset

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30 Review Act in accordance with s. 119.15 and shall stand repealed
31 on October 2, 2027, unless reviewed and saved from repeal
32 through reenactment by the Legislature.

33 Section 2. The Legislature finds that it is a public
34 necessity to make personal identifying information contained in
35 records submitted to an agency by an agency employee requesting
36 specified leave which document a homicide confidential and
37 exempt from public records requirements. Such information, if
38 publicly available, could expose the employee to safety risks,
39 public humiliation, or shame and could inhibit the employee from
40 availing himself or herself of the relief provided under s.
41 448.046, Florida Statutes. In addition, the Legislature further
42 finds that it is a public necessity to make an agency employee's
43 written request for leave, and any timesheets reflecting such
44 request, confidential and exempt from public records
45 requirements until 1 year after the leave has been taken. If
46 that information were publicly available, it could be used by
47 the person who committed the homicide, or the associates of such
48 person, to determine the schedule and location of the employee
49 whose family or household member was a homicide victim. The
50 employee's request for leave is exempt from disclosure only
51 temporarily, and such record is available 1 year after the leave
52 has been taken, thereby providing continued public oversight of
53 public moneys.

54 Section 3. This act shall take effect on the same date that
55 SB ___ or similar legislation takes effect, if such legislation
56 is adopted in the same legislative session or an extension
57 thereof and becomes a law.