

House Bill No. 1035

An act relating to a public records exemption for investigatory records relating to workers' compensation employer compliance; amending s. 440.108, F.S.; providing an exception to the exemption; adding conforming and clarifying language; removing the October 2, 2003, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

Section 1. Notwithstanding the October 2, 2003, repeal of said section scheduled pursuant to the Open Government Sunset Review Act of 1995, section 440.108, Florida Statutes, is amended to read:

440.108 Investigatory records relating to workers' compensation employer compliance; confidentiality.—

(1) All investigatory records ~~of the department~~ made or received pursuant to s. 440.107 and any records necessary to complete an investigation held by the department are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the investigation is completed or ceases to be active. For purposes of this section, an investigation is considered "active" while such investigation is being conducted by the department with a reasonable, good faith belief that it may lead to the filing of administrative, civil, or criminal proceedings. An investigation does not cease to be active if the agency is proceeding with reasonable dispatch and there is a good faith belief that action may be initiated by the agency or other administrative or law enforcement agency.

(2) After an investigation is completed or ceases to be active, information in records relating to the investigation remains ~~remain~~ confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution if disclosure of that information would:

- (a) Jeopardize the integrity of another active investigation;
- (b) Reveal a trade secret, as defined in s. 688.002;
- (c) Reveal business or personal financial information;
- (d) Reveal personal identifying information regarding the identity of a confidential source;
- (e) Defame or cause unwarranted damage to the good name or reputation of an individual or jeopardize the safety of an individual; or
- (f) Reveal investigative techniques or procedures.

(3) The department may provide information made confidential and exempt by this section to any law enforcement agency or administrative

agency for use in the performance of its official duties and responsibilities. The receiving agency must maintain the confidential and exempt status of such information.

~~(2) This exemption is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect October 1, 2003.

Approved by the Governor June 4, 2003.

Filed in Office Secretary of State June 4, 2003.