

House Bill No. 63

An act relating to public records; amending s. 741.313, F.S.; providing an exemption from public records requirements for certain records and time sheets submitted to an agency, as defined in ch. 119, F.S., by an employee who is a victim of domestic violence; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Subsection (7) is added to section 741.313, Florida Statutes, as created by House Bill 55, 2007 Regular Session, to read:

741.313 Unlawful action against employees seeking protection.—

(7)(a) Personal identifying information that is contained in records documenting an act of domestic violence and that is submitted to an agency, as defined in chapter 119, by an agency employee under the requirements of this section is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) A written request for leave which is submitted by an agency employee under the requirements of this section and any agency time sheet that reflects such a request are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until 1 year after the leave has been taken.

(c) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 2012, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity to make confidential and exempt from disclosure personal identifying information contained in records submitted to an agency, as defined in chapter 119, Florida Statutes, by an agency employee which documents an act of domestic violence and which is submitted in order to obtain leave under s. 741.313, Florida Statutes. Such information, if publicly available, could expose the victim of domestic violence to public humiliation and shame and could inhibit that victim from availing himself or herself of the relief provided under s. 741.313, Florida Statutes. In addition, the Legislature finds that it is a public necessity to make confidential and exempt from disclosure an agency employee's request for leave until 1 year after the leave has been taken. If that information were publicly available, it could be used by the partner or former partner of the victim of domestic violence to determine the schedule and location of the employee who is the victim of domestic violence. The employee's request for leave is exempt from disclosure only temporarily and such record is available 1 year after the leave has been taken, thereby providing continued public oversight of public moneys.

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

Approved by the Governor June 12, 2007.

Filed in Office Secretary of State June 12, 2007.