By the Committees on Governmental Operations; Children, Families, and Elder Affairs; and Senators Aronberg, Lynn and Crist

585-2423-07

1	A bill to be entitled
2	An act relating to public records; amending s.
3	741.313, F.S.; providing an exemption from
4	public-records requirements for certain records
5	and time sheets submitted to an agency, as
6	defined in ch. 119, F.S., by an employee who is
7	a victim of domestic violence; providing for
8	future legislative review and repeal under the
9	Open Government Sunset Review Act; providing a
10	statement of public necessity; providing a
11	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. Subsection (7) is added to section 741.313,
16	Florida Statutes, as created by SB 188, 2007 Regular Session,
17	to read:
18	741.313 Unlawful action against employees seeking
19	protection
20	(7)(a) Personal identifying information that is
21	contained in records documenting an act of domestic violence
22	and that is submitted to an agency, as defined in chapter 119,
23	by that agency's employee pursuant to the requirements of this
24	section is confidential and exempt from s. 119.07(1) and s.
25	24(a), Art. I of the State Constitution.
26	(b) A written request for leave which is submitted by
27	an agency employee pursuant to the requirements of this
28	section and any agency time sheet that reflects such a request
29	are confidential and exempt from s. 119.07(1) and s. 24(a),
30	Art. I of the State Constitution until 1 year after the leave
31	has been taken.

1	(c) This subsection is subject to the Open Government
2	Sunset Review Act in accordance with s. 119.15, and shall
3	stand repealed on October 2, 2012, unless reviewed and saved
4	from repeal through reenactment by the Legislature.
5	Section 2. The Legislature finds that it is a public
6	necessity to make confidential and exempt from disclosure
7	personal identifying information contained in records
8	submitted to an agency, as defined in chapter 119, Florida
9	Statutes, by an agency employee which documents an act of
10	domestic violence and which is submitted in order to obtain
11	leave pursuant to s. 741.313, Florida Statutes. Such
12	information, if publicly available, could expose the victim of
13	domestic violence to public humiliation and shame and could
14	inhibit that victim from availing himself or herself of the
15	relief provided under s. 741.313, Florida Statutes. In
16	addition, the Legislature finds that it is a public necessity
17	to make confidential and exempt from disclosure an agency
18	employee's request for leave until 1 year after the leave has
19	been taken. If that information were publicly available, it
20	could be used by the partner or former partner of the victim
21	of domestic violence to determine the schedule and location of
22	the employee who is the victim of domestic violence. The
23	employee's request for leave is exempt from disclosure only
24	temporarily and such record is available 1 year after the
25	leave has been taken, thereby providing continued public
26	oversight of public moneys.
27	Section 3. This act shall take effect on the same date
28	that Senate Bill 188 or similar legislation takes effect, if
29	such legislation is adopted in the same legislative session,
30	or an extension thereof, and becomes law.
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1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
2	<u>CS/SB 186</u>
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4	Clarifies that the records that are protected are the records submitted to an agency by that agency's employee.
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