

By Senator Baxley

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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 records requirements for information obtained by a
5 property appraiser's office during an investigation of
6 an exemption claim until the office has taken
7 specified actions; providing for future legislative
8 review and repeal; providing a statement of public
9 necessity; providing an effective date.

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

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13 Section 1. Paragraph (p) is added to subsection (2) of
14 section 119.071, Florida Statutes, to read:

15 119.071 General exemptions from inspection or copying of
16 public records.—

17 (2) AGENCY INVESTIGATIONS.—

18 (p)1. All information obtained by a property appraiser's
19 office during an investigation of an exemption claim in
20 accordance with its duties as prescribed by law is exempt from
21 s. 119.07(1) and 24(a), Art. I of the State Constitution until
22 the office either:

23 a. Provides written notice, by certified mail, to the
24 person whose exemption claim is the subject of the investigation
25 that the office has concluded the investigation with a finding
26 to proceed with the removal of the exemption and informs such
27 person of the amounts of back taxes and penalties due; or

28 b. Has concluded or otherwise ended the active
29 investigation and has decided not to proceed with the removal of

12-01227-19

20191176__

30 the exemption.

31 2. This paragraph is subject to the Open Government Sunset
32 Review Act in accordance with s. 119.15 and is repealed on
33 October 2, 2024, unless reviewed and saved from repeal through
34 reenactment by the Legislature.

35 Section 2. (1) The Legislature finds that it is a public
36 necessity that, pursuant to s. 119.071(2)(p), Florida Statutes,
37 all information obtained by a property appraiser's office during
38 an investigation of an exemption claim be exempt from public
39 records requirements until the office provides notice of its
40 finding to proceed with the removal of the exemption or has
41 concluded or otherwise ended the active investigation and has
42 decided not to proceed with the removal of the exemption.

43 (2) Without the public records exemption, a person who is
44 under investigation is able to request information relating to
45 the investigation. This provides the person with an opportunity
46 to obstruct the investigation in various ways including, but not
47 limited to, coaching persons who are being interviewed during
48 the investigation on how to respond. Additionally, a high
49 percentage of investigations result in the office's
50 determination that an exemption is correct. Currently, a person
51 is able to request public records for all persons under
52 investigation and to use such information to solicit them for
53 representation before the office determines any wrongdoing.
54 Requested information obtained during an investigation may also
55 be published or broadcast to the public at large, which may
56 include the identification of a person under investigation. This
57 can result in the unfair and damaging perception that a person
58 has done wrong before any such determination is made.

12-01227-19

20191176__

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Section 3. This act shall take effect July 1, 2019.