

1 A bill to be entitled
 2 An act relating to public records; creating a public
 3 record exemption for a complaint of sexual harassment
 4 and certain information regarding the complaint held
 5 by an agency; providing that the complaint is no
 6 longer confidential and exempt in certain instances;
 7 authorizing release of the confidential and exempt
 8 information in certain instances; providing for future
 9 legislative review and repeal of the public record
 10 exemption; providing a contingent effective date.

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

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 14 Section 1. Subsection (7) of section 112.3132, Florida
 15 Statutes, as created by HB 7007, 2017 Regular Session, is
 16 created to read:

17 112.3132 Procedural requirements for prevention and
 18 protection from sexual harassment.—

19 (7) (a) The complaint and any information related to the
 20 complaint held by an agency is confidential and exempt from s.
 21 119.07(1) and s. 24(a), Art. I of the State Constitution. The
 22 complaint is no longer confidential and exempt if probable cause
 23 is determined to exist.

24 (b) Notwithstanding paragraph (a), the personal
 25 identifying information of any witness shall remain confidential

26 | and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
27 | Constitution and the personal identifying information of the
28 | alleged victim shall remain confidential and exempt as provided
29 | in s. 119.071(2)(n).

30 | (c) Upon request, confidential and exempt information may
31 | be provided to:

32 | 1. Another governmental entity in the furtherance of its
33 | lawful duties and responsibilities.

34 | 2. The alleged victim and the subject of the complaint, or
35 | their attorneys, following a determination that probable cause
36 | exists.

37 | (d) This subsection is subject to the Open Government
38 | Sunset Review Act in accordance with s. 119.15 and shall stand
39 | repealed on October 2, 2023, unless reviewed and saved from
40 | repeal through reenactment by the Legislature.

41 | Section 2. The Legislature finds that it is a public
42 | necessity that a sexual harassment complaint and all information
43 | related to the complaint be made confidential and exempt from s.
44 | 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State
45 | Constitution. The Legislature finds that the complaint should
46 | remain confidential and exempt from public records until the
47 | agency determines probable cause exists. The Legislature further
48 | finds that it is a public necessity to maintain the
49 | confidentiality of personal identifying information of any
50 | witness to or alleged victim of an incident of sexual

51 harassment. The public record exemption protects information of
52 a sensitive personal nature the release of which could be
53 defamatory or cause unwarranted damage to the good name or
54 reputation of individuals. Disclosure of personal identifying
55 information of any witness to or alleged victim of sexual
56 harassment could place these individuals at further risk of
57 harassment and retaliation and could result in the individuals
58 being hesitant to cooperate in a forthcoming manner with an
59 investigation. The potential disclosure of the complaint and
60 associated information obtained pursuant to an investigation
61 prior to a finding of probable cause could create a disincentive
62 for alleged victims to report instances of alleged harassment.
63 Furthermore, the release of such information prior to a
64 determination that probable cause exists could jeopardize the
65 integrity of the investigation. The Legislature further finds
66 that it is a public necessity to continue to protect information
67 related to the complaint because of the explicit and graphic
68 nature of such information release of which could re-victimize
69 the alleged victim of sexual harassment. For these reasons, the
70 Legislature finds that the potential harm that may result from
71 the release of such information outweighs any public benefit
72 that may be derived from the disclosure of such information.

73 Section 3. This act shall take effect on the same date
74 that HB 7007 or similar legislation takes effect, if such
75 legislation is adopted in the same legislative session or an

76 | extension thereof and becomes a law. |