

By Senator Holzendorf

2-206-98

1                                   A bill to be entitled  
2           An act relating to public officers and  
3           employees; amending s. 112.324, F.S.; allowing  
4           the Commission on Ethics to dismiss a complaint  
5           that involves a technical or minor error, under  
6           specified conditions; providing an effective  
7           date.

8

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

10

11           Section 1. Subsection (10) of section 112.324, Florida  
12 Statutes, as amended by section 3 of chapter 97-293, Laws of  
13 Florida, is amended to read:

14           112.324 Procedures on complaints of violations.--

15           (10)(a) Notwithstanding the provisions of subsections  
16 (1)-(7), the commission may, at its discretion, dismiss any  
17 complaint at any stage of disposition should it determine that  
18 the public interest would not be served by proceeding further,  
19 in which case the commission shall issue a public report  
20 stating with particularity its reasons for the dismissal. The  
21 investigation of facts and parties materially related to a  
22 complaint, as provided in s. 112.322(1) and pursuant to the  
23 definitions contained in s. 112.312(11) and (18), and the  
24 amendment of s. 112.3143 shall apply only to alleged  
25 violations occurring after May 24, 1991.

26           (b) If a complaint is filed against a reporting  
27 individual for failing to properly report under s. 8, Art. II  
28 of the State Constitution or s. 112.3145 and the investigation  
29 of the complaint reveals and the commission finds that the  
30 error was technical or minor in nature, the commission may  
31 notify the respondent of the error and may request that an

1 amended report correcting the error be filed with the  
2 commission and the filing officer within 10 days after the  
3 respondent receives the notice. The commission shall dismiss  
4 the complaint without further proceedings if:  
5 1. The reporting individual timely files an amended  
6 report correcting the error;  
7 2. The commission has not determined that the  
8 reporting individual has previously violated s. 8, Art. II of  
9 the State Constitution or s. 112.3145; and  
10 3. The reporting individual has not previously filed  
11 or been asked to file an amended report under this paragraph.

12 Section 2. This act shall take effect July 1, 1998.

13  
14 \*\*\*\*\*

15 SENATE SUMMARY

16 Allows the Commission on Ethics to dismiss a complaint  
17 that involves a technical or minor error, under specified  
18 conditions.  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31