

1 A bill to be entitled
 2 An act relating to public records and public meetings
 3 exemptions; amending s. 112.324, F.S.; providing an
 4 exemption from public records requirements for a complaint
 5 of an alleged violation of pt. III of chapter 112, F.S.,
 6 the Code of Ethics for Public Officers and Employees, or
 7 any other alleged breach of the public trust within the
 8 jurisdiction of a Commission on Ethics and Public Trust
 9 established by a municipality and records relating to such
 10 complaint or to any preliminary investigation held by the
 11 commission; providing an exemption from public meetings
 12 requirements for any proceeding conducted by the
 13 commission pursuant to such complaint or preliminary
 14 investigation; providing conditions for termination of the
 15 exemptions; providing for review and repeal; providing a
 16 statement of public necessity; providing an effective
 17 date.

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

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 21 Section 1. Subsection (2) of section 112.324, Florida
 22 Statutes, is amended to read:

23 112.324 Procedures on complaints of violations; public
 24 records and meeting exemptions.--

25 (2)(a) The complaint and records relating to the complaint
 26 or to any preliminary investigation held by the commission or
 27 its agents or by a Commission on Ethics and Public Trust
 28 established by any county defined in s. 125.011(1) or by any

29 municipality defined in s. 165.031~~7~~ are confidential and exempt
 30 from the provisions of s. 119.07(1) and s. 24(a), Art. I of the
 31 State Constitution, and any proceeding conducted by the
 32 commission or a Commission on Ethics and Public Trust, pursuant
 33 to a complaint or preliminary investigation, is exempt from the
 34 provisions of s. 286.011, s. 24(b), Art. I of the State
 35 Constitution, and s. 120.525, until the complaint is dismissed
 36 as legally insufficient, until the alleged violator requests in
 37 writing that such records and proceedings be made public, or
 38 until the commission or a Commission on Ethics and Public Trust
 39 determines, based on such investigation, whether probable cause
 40 exists to believe that a violation has occurred. In no event
 41 shall a complaint under this part against a candidate in any
 42 general, special, or primary election be filed or any intention
 43 of filing such a complaint be disclosed on the day of any such
 44 election or within the 5 days immediately preceding the date of
 45 the election.

46 (b) Paragraph (a) is subject to the Open Government Sunset
 47 Review Act of 1995 in accordance with s. 119.15, Florida
 48 Statutes, and shall stand repealed on October 2, 2010, unless
 49 reviewed and saved from repeal through reenactment by the
 50 Legislature.

51 Section 2. The Legislature finds it a public necessity
 52 that the complaint and records relating to the complaint of an
 53 alleged violation of pt. III of chapter 112, Florida Statutes,
 54 the Code of Ethics for Public Officers and Employees, or any
 55 other alleged breach of the public trust within the jurisdiction
 56 of a Commission on Ethics and Public Trust established by any

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57 municipality, and records relating to any preliminary
58 investigation of such complaint, be held confidential and exempt
59 from s. 119.07(1), Florida Statutes, and s. 24(a), Art. I of the
60 State Constitution until the complaint is dismissed as legally
61 insufficient, until the alleged violator requests in writing
62 that such records and proceedings be made public, or until the
63 commission or a Commission on Ethics and Public Trust
64 determines, based on such investigation, whether probable cause
65 exists to believe that a violation has occurred. This exemption
66 is necessary because the release of such information could
67 potentially be defamatory to an individual under investigation
68 or cause unwarranted damage to the good name or reputation of
69 such individual. In addition, the Legislature finds it a public
70 necessity that any proceeding conducted by a municipal
71 Commission on Ethics and Public Trust pursuant to a complaint or
72 preliminary investigation of such alleged violation be exempt
73 from s. 286.011, Florida Statutes, s. 24(b), Art. I of the State
74 Constitution, and s. 120.525, Florida Statutes, so that the
75 administration of such proceeding by a municipal commission on
76 ethics is not otherwise significantly impaired. The exemption of
77 these proceedings from public meetings requirements minimizes
78 the possibility of unnecessary scrutiny by the public or media
79 of individuals under investigation and their families, and
80 creates a secure environment in which a municipal commission on
81 ethics may conduct its business. Furthermore, the Legislature
82 has already recognized the importance of the aforementioned
83 public records and meetings exemptions by exempting the records

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84 and meetings of the state Commission on Ethics and those of a
85 Commission on Ethics and Public Trust formed by a county.

86 Section 3. This act shall take effect upon becoming a law.