

Bill No. SB 1922

Barcode 435246

CHAMBER ACTION

Senate

House

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The Committee on Community Affairs (Haridopolos) recommended
the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

(2)(a) The complaint and records relating to the
complaint or to any preliminary investigation held by the
commission or its agents or by a Commission on Ethics and
Public Trust established by any county defined in s.
125.011(1) or by any municipality defined in s. 165.031 are
confidential and exempt from the provisions of s. 119.07(1)
and s. 24(a), Art. I of the State Constitution, and any
proceeding conducted by the commission or a Commission on
Ethics and Public Trust, pursuant to a complaint or
preliminary investigation, is exempt from the provisions of s.

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1 286.011, s. 24(b), Art. I of the State Constitution, and s.
 2 120.525, until the complaint is dismissed as legally
 3 insufficient, until the alleged violator requests in writing
 4 that such records and proceedings be made public, or until the
 5 commission or a Commission on Ethics and Public Trust
 6 determines, based on such investigation, whether probable
 7 cause exists to believe that a violation has occurred. In no
 8 event shall a complaint under this part against a candidate in
 9 any general, special, or primary election be filed or any
 10 intention of filing such a complaint be disclosed on the day
 11 of any such election or within the 5 days immediately
 12 preceding the date of the election.

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 15 Florida Statutes, and shall stand repealed on October 2, 2010,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

18 Section 2. The Legislature finds it a public necessity
 19 that the complaint and records relating to the complaint of an
 20 alleged violation of part III of chapter 112, Florida
 21 Statutes, the Code of Ethics for Public Officers and
 22 Employees, or any other alleged breach of the public trust
 23 within the jurisdiction of a Commission on Ethics and Public
 24 Trust established by any municipality, and records relating to
 25 any preliminary investigation of such complaint, be held
 26 confidential and exempt from section 119.07(1), Florida
 27 Statutes, and Section 24(a), Article I of the State
 28 Constitution until the complaint is dismissed as legally
 29 insufficient, until the alleged violator requests in writing
 30 that such records and proceedings be made public, or until the
 31 commission or a Commission on Ethics and Public Trust

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1 determines, based on such investigation, whether probable
2 cause exists to believe that a violation has occurred. This
3 exemption is necessary because the release of such information
4 could potentially be defamatory to an individual under
5 investigation or cause unwarranted damage to the good name or
6 reputation of such individual. In addition, the Legislature
7 finds it a public necessity that any proceeding conducted by a
8 municipal Commission on Ethics and Public Trust pursuant to a
9 complaint or preliminary investigation of such alleged
10 violation be exempt from section 286.011, Florida Statutes,
11 Section 24(b), Article I of the State Constitution, and
12 section 120.525, Florida Statutes, so that the administration
13 of such proceeding by a municipal commission on ethics is not
14 otherwise significantly impaired. The exemption of these
15 proceedings from public meetings requirements minimizes the
16 possibility of unnecessary scrutiny by the public or media of
17 individuals under investigation and their families, and
18 creates a secure environment in which a municipal commission
19 on ethics may conduct its business. Furthermore, the
20 Legislature has already recognized the importance of the
21 aforementioned public records and meetings exemptions by
22 exempting the records and meetings of the state Commission on
23 Ethics and those of a Commission on Ethics and Public Trust
24 formed by a county.

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

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29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 Delete everything before the enacting clause

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1 and insert:

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

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