

By Senator Posey

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1 A bill to be entitled

2 An act relating to public records; amending s.

3 112.324, F.S.; providing an exemption from

4 public-records requirements for information and

5 referrals received by the Commission on Ethics

6 relating to violations of the ethics code until

7 the commission determines that it will not

8 investigate the complaint or referral;

9 providing for release of such information to

10 criminal investigative agencies; providing for

11 future legislative review and repeal under the

12 Open Government Sunset Review Act; providing a

13 finding of public necessity; providing an

14 effective date.

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

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

20 112.324 Procedures on complaints of violations; public
21 records and meeting exemptions.--

22 (2) The complaint and records relating to the

23 complaint or to any preliminary investigation, or the

24 commission's determination regarding the information or the

25 referral as provided in this section, held by the commission

26 or its agents or by a Commission on Ethics and Public Trust

27 established by any county defined in s. 125.011(1), are

28 confidential and exempt from the provisions of s. 119.07(1)

29 and s. 24(a), Art. I of the State Constitution, and any

30 proceeding conducted by the commission or a Commission on

31 Ethics and Public Trust, pursuant to a complaint, information

1 or referral as provided in this section, or preliminary
2 investigation, is exempt from the provisions of s. 286.011, s.
3 24(b), Art. I of the State Constitution, and s. 120.525, until
4 the complaint is dismissed as legally insufficient, until the
5 alleged violator requests in writing that such records and
6 proceedings be made public, until the commission determines
7 that it will not investigate the complaint or referral, or
8 until the commission or a Commission on Ethics and Public
9 Trust determines, based on such investigation, whether
10 probable cause exists to believe that a violation has
11 occurred. The confidentiality requirements of this section do
12 not prohibit the commission or its staff from sharing
13 investigative information with criminal investigative
14 agencies. In no event shall a complaint under this part
15 against a candidate in any general, special, or primary
16 election be filed or any intention of filing such a complaint
17 be disclosed on the day of any such election or within the 5
18 days immediately preceding the date of the election. The
19 confidentiality provisions of this subsection are subject to
20 the Open Government Sunset Review Act of 1995 in accordance
21 with s. 119.15, and shall stand repealed on October 2, 2010,
22 unless reviewed and saved from repeal through reenactment by
23 the Legislature.

24 Section 2. The Legislature finds that the release to
25 the public of proceedings relating to information or referrals
26 received by the Commission on Ethics relating to a possible
27 violation of the Code of Ethics for Public Officers and
28 Employees before a determination of probable cause may have an
29 adverse effect upon the person who is subject to the
30 complaint. The Legislature further finds that such
31 determination may subsequently be reversed or modified and

