

By Senator Altman

24-00630-09

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1 A bill to be entitled
 2 An act relating to public records and meetings;
 3 amending s. 112.324, F.S.; revising an exemption from
 4 public-record and public-meeting requirements which is
 5 provided for complaints and related records in the
 6 custody of and proceedings conducted by a county that
 7 has established a local investigatory process to
 8 enforce more stringent standards of conduct and
 9 disclosure requirements; providing for future repeal
 10 and legislative review under the Open Government
 11 Sunset Review Act of revisions to the exemption;
 12 providing a statement of public necessity; providing
 13 an effective date.

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

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 17 Section 1. Paragraph (a) of subsection (2) of section
 18 112.324, Florida Statutes, is amended to read:

19 112.324 Procedures on complaints of violations; public
 20 records and meeting exemptions.—

21 (2) (a) The complaint and records relating to the complaint
 22 or to any preliminary investigation held by the commission or
 23 its agents, ~~or~~ by a Commission on Ethics and Public Trust
 24 established by any county defined in s. 125.011(1), by any
 25 county that has established a local investigatory process, or by
 26 any municipality defined in s. 165.031 are confidential and
 27 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
 28 of the State Constitution, and any proceeding conducted by the
 29 commission, ~~or~~ a Commission on Ethics and Public Trust, or a

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30 county that has established a local investigatory process to
31 enforce more stringent standards of conduct and disclosure
32 requirements as provided in s. 112.326 pursuant to a complaint
33 or preliminary investigation, is exempt from the provisions of
34 s. 286.011, s. 24(b), Art. I of the State Constitution, and s.
35 120.525, until the complaint is dismissed as legally
36 insufficient, until the alleged violator requests in writing
37 that such records and proceedings be made public, or until the
38 commission, the ~~or a~~ Commission on Ethics and Public Trust, or
39 the county that has established a local investigatory process to
40 enforce more stringent standards of conduct and disclosure
41 requirements as provided in s. 112.326 determines, based on such
42 investigation, whether probable cause exists to believe that a
43 violation has occurred. In no event shall a complaint under this
44 part against a candidate in any general, special, or primary
45 election be filed or any intention of filing such a complaint be
46 disclosed on the day of any such election or within the 5 days
47 immediately preceding the date of the election.

48 Section 2. Paragraph (a) of subsection (2) of section
49 112.324, Florida Statutes, as amended by this act, is subject to
50 the Open Government Sunset Review Act in accordance with s.
51 119.15, Florida Statutes, and shall stand repealed on October 2,
52 2014, unless reviewed and saved from repeal through reenactment
53 by the Legislature.

54 Section 3. The Legislature finds that it is a public
55 necessity that all complaints and related records in the custody
56 of a county that has established a local investigatory process
57 to enforce more stringent standards of conduct and disclosure
58 requirements as provided in s. 112.326, Florida Statutes, which

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59 relate to a complaint of a local ethics violation be exempted
60 from public-record and public-meeting requirements until the
61 complaint is dismissed as legally insufficient, until the
62 alleged violator requests in writing that such records and
63 proceedings be made public, or until it is determined, based on
64 the investigation, whether probable cause exists to believe that
65 a violation has occurred. This exemption is necessary because
66 the release of such information could potentially be defamatory
67 to an individual under investigation, cause unwarranted damage
68 to the good name or reputation of such individual, or
69 significantly impair the investigation. The exemption creates a
70 secure environment in which a county may conduct its
71 investigation.

72 Section 4. This act shall take effect July 1, 2009.