

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

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

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

18           112.324 Procedures on complaints of violations; public  
 19   records and meeting exemptions.--

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

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

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

53 Section 3. The Legislature finds that it is a public  
54 necessity that all complaints and related records in the custody  
55 of a county that has established a local investigatory process  
56 to enforce more stringent standards of conduct and disclosure

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57 requirements as provided in s. 112.326, Florida Statutes, which  
58 relate to a complaint of a local ethics violation be exempted  
59 from public-record and public-meeting requirements until the  
60 complaint is dismissed as legally insufficient, until the  
61 alleged violator requests in writing that such records and  
62 proceedings be made public, or until it is determined, based on  
63 the investigation, whether probable cause exists to believe that  
64 a violation has occurred. This exemption is necessary because  
65 the release of such information could potentially be defamatory  
66 to an individual under investigation, cause unwarranted damage  
67 to the good name or reputation of such individual, or  
68 significantly impair the investigation. The exemption creates a  
69 secure environment in which a county may conduct its  
70 investigation.

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