



558064

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2010	.	
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The Committee on Ethics and Elections (Richter) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 25 - 69  
and insert:

municipality defined in s. 165.031, or by any county or municipality that has established a local investigatory process to enforce more stringent standards of conduct and disclosure requirements as provided in s. 112.326 are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. ~~and~~

(b) Any proceeding conducted by the commission, ~~or~~ a



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13 Commission on Ethics and Public Trust, or a county or  
14 municipality that has established such a local investigatory  
15 process, pursuant to a complaint or preliminary investigation,  
16 is exempt from the provisions of s. 286.011, s. 24(b), Art. I of  
17 the State Constitution, and s. 120.525.7

18 (c) The exemptions apply until the complaint is dismissed  
19 as legally insufficient, until the alleged violator requests in  
20 writing that such records and proceedings be made public, or  
21 until the commission, ~~or~~ a Commission on Ethics and Public  
22 Trust, or a county or municipality that has established such a  
23 local investigatory process determines, based on such  
24 investigation, whether probable cause exists to believe that a  
25 violation has occurred. In no event shall a complaint under this  
26 part against a candidate in any general, special, or primary  
27 election be filed or any intention of filing such a complaint be  
28 disclosed on the day of any such election or within the 5 days  
29 immediately preceding the date of the election.

30 (d) ~~(b)~~ This subsection Paragraph (a) is subject to the Open  
31 Government Sunset Review Act in accordance with s. 119.15 and  
32 shall stand repealed on October 2, 2015 ~~2010~~, unless reviewed  
33 and saved from repeal through reenactment by the Legislature.

34 Section 2. The Legislature finds that it is a public  
35 necessity that all complaints and related records in the custody  
36 of or any proceedings conducted by a county or municipality that  
37 has established a local investigatory process to enforce more  
38 stringent standards of conduct and disclosure requirements as  
39 provided in s. 112.326, Florida Statutes, which relate to a  
40 complaint of a local ethics violation be exempted from public-  
41 record and public-meeting requirements until the complaint is



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42 dismissed as legally insufficient, until the alleged violator  
43 requests in writing that such records and proceedings be made  
44 public, or until it is determined, based on the investigation,  
45 whether probable cause exists to believe that a violation has  
46 occurred. The exemptions are necessary because the release of  
47 such information could potentially be defamatory to an  
48 individual under investigation, cause unwarranted damage to the  
49 good name or reputation of such individual, or significantly  
50 impair the investigation. The exemptions create a secure  
51 environment in which a county or municipality may conduct its

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

55 And the title is amended as follows:

56

57 Delete line 6

58 and insert:

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60 custody of and proceedings conducted by a county or

61 municipality that