

By Senator Altman

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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.

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

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17 Section 1. Subsection (2) of section 112.324, Florida
18 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) or by any
25 municipality defined in s. 165.031, or by any county that has
26 established a local investigatory process to enforce more
27 stringent standards of conduct and disclosure requirements as
28 provided in s. 112.326 are confidential and exempt from the
29 provisions of s. 119.07(1) and s. 24(a), Art. I of the State

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30 Constitution, ~~and~~

31 (b) Any proceeding conducted by the commission, ~~or~~ a
 32 Commission on Ethics and Public Trust, or a county that has
 33 established such local investigatory process, pursuant to a
 34 complaint or preliminary investigation, is exempt from the
 35 provisions of s. 286.011, s. 24(b), Art. I of the State
 36 Constitution, and s. 120.525.

37 (c) The exemptions apply until the complaint is dismissed
 38 as legally insufficient, until the alleged violator requests in
 39 writing that such records and proceedings be made public, or
 40 until the commission, ~~or~~ a Commission on Ethics and Public
 41 Trust, or a county that has established such local investigatory
 42 process determines, based on such investigation, whether
 43 probable cause exists to believe that a violation has occurred.
 44 In no event shall a complaint under this part against a
 45 candidate in any general, special, or primary election be filed
 46 or any intention of filing such a complaint be disclosed on the
 47 day of any such election or within the 5 days immediately
 48 preceding the date of the election.

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 51 shall stand repealed on October 2, 2015 ~~2010~~, unless reviewed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

53 Section 2. 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
 57 requirements as provided in s. 112.326, Florida Statutes, which
 58 relate to a complaint of a local ethics violation be exempted

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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 3. This act shall take effect July 1, 2010.