

By the Committee on Ethics and Elections; and Senator Altman

582-03163-10

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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 or
7 municipality that has established a local
8 investigatory process to enforce more stringent
9 standards of conduct and disclosure requirements;
10 providing for future repeal and legislative review
11 under the Open Government Sunset Review Act of
12 revisions to the exemption; providing a statement of
13 public necessity; providing 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. 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 or
26 municipality that has established a local investigatory process
27 to enforce more stringent standards of conduct and disclosure
28 requirements as provided in s. 112.326 are confidential and
29 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I

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30 of the State Constitution. ~~and~~

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

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 or municipality that has established such a
42 local investigatory process determines, based on such
43 investigation, whether probable cause exists to believe that a
44 violation has occurred. In no event shall a complaint under this
45 part against a candidate in any general, special, or primary
46 election be filed or any intention of filing such a complaint be
47 disclosed on the day of any such election or within the 5 days
48 immediately 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 or any proceedings conducted by a county or municipality that
56 has established a local investigatory process to enforce more
57 stringent standards of conduct and disclosure requirements as
58 provided in s. 112.326, Florida Statutes, which relate to a

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

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