

1                                   A bill to be entitled  
 2           An act relating to public records and meetings; providing  
 3           an exemption from public-records requirements for a  
 4           determination by the Commission on Ethics regarding an  
 5           information or a written referral of an alleged violation  
 6           of part III of ch. 112, F.S., the Code of Ethics for  
 7           Public Officers and Employees; providing an exemption from  
 8           public-meetings requirements for any proceeding conducted  
 9           by the commission or a local Commission on Ethics and  
 10          Public Trust pursuant to such information or referral;  
 11          authorizing the commission and its staff to share  
 12          investigative information with criminal investigative  
 13          agencies; providing for review and repeal of the  
 14          exemptions under the Open Government Sunset Review Act;  
 15          providing a statement of public necessity; providing a  
 16          contingent effective date.

17  
 18   Be It Enacted by the Legislature of the State of Florida:

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 20           Section 1. Subsection (2) of section 112.324, Florida  
 21   Statutes, is amended to read:

22           112.324 Procedures on complaints of violations; public  
 23   records and meeting exemptions.—

24           (2) (a) The complaint and records relating to the complaint  
 25   or to any preliminary investigation or the commission's  
 26   determination regarding the information or the referral, as  
 27   provided in this section, held by the commission or its agents  
 28   or by a Commission on Ethics and Public Trust established by any

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29 | county defined in s. 125.011(1) or by any municipality defined  
 30 | in s. 165.031 are confidential and exempt from the provisions of  
 31 | s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and  
 32 | any proceeding conducted by the commission or a Commission on  
 33 | Ethics and Public Trust, pursuant to a complaint, information,  
 34 | or referral as provided in this section, or preliminary  
 35 | investigation, is exempt from the provisions of s. 286.011, s.  
 36 | 24(b), Art. I of the State Constitution, and s. 120.525, until  
 37 | the complaint is dismissed as legally insufficient, until the  
 38 | alleged violator requests in writing that such records and  
 39 | proceedings be made public, until the commission determines that  
 40 | it will not investigate the complaint or referral, or until the  
 41 | commission or a Commission on Ethics and Public Trust  
 42 | determines, based on such investigation, whether probable cause  
 43 | exists to believe that a violation has occurred. The  
 44 | confidentiality requirements of this subsection do not prohibit  
 45 | the commission or its staff from sharing investigative  
 46 | information with criminal investigative agencies. ~~In no event~~  
 47 | ~~shall~~ A complaint under this part against a candidate in any  
 48 | general, special, or primary election may not be filed or any  
 49 | intention of filing such a complaint may not be disclosed on the  
 50 | day of any such election or within the 5 days immediately  
 51 | preceding the date of the election.

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

56 | Section 2. The Legislature finds it a public necessity

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57 that the information or referral of an alleged violation of part  
58 III of chapter 112, Florida Statutes, the Code of Ethics for  
59 Public Officers and Employees, be held confidential and exempt  
60 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of  
61 the State Constitution until the information or referral is  
62 dismissed as legally insufficient, until the alleged violator  
63 requests in writing that such records and proceedings be made  
64 public, until the Commission on Ethics determines that it will  
65 not investigate the complaint or referral, or until the  
66 commission or a Commission on Ethics and Public Trust  
67 determines, based on such investigation, whether probable cause  
68 exists to believe that a violation has occurred. This exemption  
69 is necessary because the release of such information could  
70 potentially be defamatory to an individual under investigation  
71 or cause unwarranted damage to the good name or reputation of  
72 such individual. In addition, the Legislature finds it a public  
73 necessity that any proceeding conducted by a county or municipal  
74 Commission on Ethics and Public Trust pursuant to an information  
75 or referral be exempt from s. 286.011, Florida Statutes, s.  
76 24(b), Article I of the State Constitution, and s. 120.525,  
77 Florida Statutes, so that the administration of such proceeding  
78 is not otherwise significantly impaired. The exemption of these  
79 proceedings from public-meetings requirements minimizes the  
80 possibility of unnecessary scrutiny by the public or media of  
81 individuals under investigation and their families. Furthermore,  
82 the Legislature has already recognized the importance of the  
83 aforementioned public-records and public-meetings exemptions by  
84 exempting the records and meetings of the state Commission on

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85 | Ethics and those of a Commission on Ethics and Public Trust  
86 | formed by a county or municipality.

87 |       Section 3. This act shall take effect July 1, 2010, only  
88 | if House Bill 1421 or similar legislation is adopted in the same  
89 | legislative session or an extension thereof and becomes law.