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585-02950-10

Proposed Committee Substitute by the Committee on Governmental
Oversight and Accountability

A bill to be entitled

An act relating to a review under the Open Government
Sunset Review Act; amending s. 112.324, F.S., which
provides an exemption from public-records requirements
for complaints and related records held by the
Commission on Ethics or a Commission on Ethics and
Public Trust established by a county or municipality
and an exemption from public-meetings requirements for
proceedings conducted by such commissions pursuant to
a complaint or preliminary investigation; reorganizing
the exemption; removing the scheduled repeal of the
exemption; providing an effective date.

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

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

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

(2) (a) The complaint and records relating to the complaint
or to any preliminary investigation held by the commission or
its agents or by a Commission on Ethics and Public Trust
established by any county defined in s. 125.011(1) or by any
municipality defined in s. 165.031 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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28 Commission on Ethics and Public Trust, pursuant to a complaint
29 or preliminary investigation, is exempt from the provisions of
30 s. 286.011, s. 24(b), Art. I of the State Constitution, and s.
31 120.525.7

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

43 ~~(b) Paragraph (a) is subject to the Open Government Sunset~~
44 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
45 ~~on October 2, 2010, unless reviewed and saved from repeal~~
46 ~~through reenactment by the Legislature.~~

47 Section 2. This act shall take effect October 1, 2010.