

By the Committees on Governmental Oversight and Accountability;
and Ethics and Elections

585-03542-10

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1 A bill to be entitled

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

13
14 Be It Enacted by the Legislature of the State of Florida:

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

18 112.324 Procedures on complaints of violations; public
19 records and meeting exemptions.—

20 (2) (a) The complaint and records relating to the complaint
21 or to any preliminary investigation held by the commission or
22 its agents or by a Commission on Ethics and Public Trust
23 established by any county defined in s. 125.011(1) or by any
24 municipality defined in s. 165.031 are confidential and exempt
25 from the provisions of s. 119.07(1) and s. 24(a), Art. I of the
26 State Constitution. ~~and~~

27 (b) Any proceeding conducted by the commission or a
28 Commission on Ethics and Public Trust, pursuant to a complaint
29 or preliminary investigation, is exempt from the provisions of

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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.