

HB 551

2010

1 A bill to be entitled
 2 An act relating to public records and meetings; amending
 3 s. 112.324, F.S.; revising an exemption from public record
 4 and public meeting requirements which is provided for
 5 complaints and related records in the custody of and
 6 proceedings conducted by a county that has established a
 7 local investigatory process to enforce more stringent
 8 standards of conduct and disclosure requirements;
 9 providing for future repeal and legislative review under
 10 the Open Government Sunset Review Act of revisions to the
 11 exemption; providing a statement of public necessity;
 12 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, or by any county that has
 25 established a local investigatory process to enforce more
 26 stringent standards of conduct and disclosure requirements as
 27 provided in s. 112.326 are confidential and exempt from the
 28 provisions of s. 119.07(1) and s. 24(a), Art. I of the State

29 Constitution, ~~and~~

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

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

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 50 and shall stand repealed on October 2, 2015 ~~2010~~, unless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

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