

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 or municipality that has
 7 established a local investigatory process to enforce more
 8 stringent standards of conduct and disclosure
 9 requirements; providing for future repeal and legislative
 10 review under the Open Government Sunset Review Act of
 11 revisions to the exemption; providing a statement of
 12 public necessity; providing an effective date.

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

15
 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 or
 25 municipality that has established a local investigatory process
 26 to enforce more stringent standards of conduct and disclosure
 27 requirements as provided in s. 112.326 are confidential and
 28 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I

29 of the State Constitution. ~~and~~

30 (b) Any proceeding conducted by the commission, ~~or~~ a
 31 Commission on Ethics and Public Trust, or a county or
 32 municipality that has established such local investigatory
 33 process, pursuant to a complaint or preliminary investigation,
 34 is exempt from the provisions of s. 286.011, s. 24(b), Art. I of
 35 the State 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 or municipality that has established such
 41 local investigatory process determines, based on such
 42 investigation, whether probable cause exists to believe that a
 43 violation has occurred. In no event shall a complaint under this
 44 part against a candidate in any general, special, or primary
 45 election be filed or any intention of filing such a complaint be
 46 disclosed on the day of any such election or within the 5 days
 47 immediately 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 or municipality that has established a local
 56 investigatory process to enforce more stringent standards of

CS/HB 551

2010

57 conduct and disclosure requirements as provided in s. 112.326,
58 Florida Statutes, which relate to a complaint of a local ethics
59 violation be exempted from public-record and public-meeting
60 requirements until the complaint is dismissed as legally
61 insufficient, until the alleged violator requests in writing
62 that such records and proceedings be made public, or until it is
63 determined, based on the investigation, whether probable cause
64 exists to believe that a violation has occurred. This exemption
65 is necessary because the release of such information could
66 potentially be defamatory to an individual under investigation,
67 cause unwarranted damage to the good name or reputation of such
68 individual, or significantly impair the investigation. The
69 exemption creates a secure environment in which a county or
70 municipality may conduct its investigation.

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