

ENROLLED  
CS/HB 551

2010 Legislature

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:

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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 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

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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

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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.