

FOR CONSIDERATION By the Committee on Ethics and Elections

582-00839-10

20107072

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., relating
4 to an exemption from public-records and public-
5 meetings requirements for complaints and related
6 records in the custody of and proceedings conducted by
7 the Commission on Ethics or a Commission on Ethics and
8 Public Trust established by a county or municipality;
9 reorganizing provisions; saving the exemption from
10 repeal under the Open Government Sunset Review Act;
11 deleting provisions providing for repeal of the
12 exemption; 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 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

582-00839-10

20107072__

30 s. 286.011, s. 24(b), Art. I of the State Constitution, and s.
31 120.525.7

32 (c) The exemptions apply until the complaint is dismissed
33 as legally insufficient, until the alleged violator requests in
34 writing that such records and proceedings be made public, or
35 until the commission or a Commission on Ethics and Public Trust
36 determines, based on such investigation, whether probable cause
37 exists to believe that a violation has occurred. In no event
38 shall a complaint under this part against a candidate in any
39 general, special, or primary election be filed or any intention
40 of filing such a complaint be disclosed on the day of any such
41 election or within the 5 days immediately preceding the date of
42 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44 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~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.