

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Fasano offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

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

112.324 Procedures on complaints of violations; public records and meeting exemptions.-

(2) (a) The complaint and records relating to a written the complaint, other determination of legal sufficiency to conduct an investigation of an alleged breach of the public trust as provided under subsection (1), or to a ~~any~~ preliminary investigation held by the commission or its agents, by a Commission on Ethics and Public Trust established by a ~~any~~ county as defined in s. 125.011(1) or a ~~by any~~ municipality as defined in s. 165.031, or by a ~~any~~ county or municipality that

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17 has established a local investigatory process to enforce more  
18 stringent standards of conduct and disclosure requirements as  
19 provided in s. 112.326 are confidential and exempt from ~~the~~  
20 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State  
21 Constitution.

22 (b) Any proceeding conducted by the commission, a  
23 Commission on Ethics and Public Trust, or a county or  
24 municipality that has established such local investigatory  
25 process, pursuant to a complaint, other determination that there  
26 is an indication of a breach of the public trust as provided in  
27 subsection (1), or a preliminary investigation, is exempt from  
28 ~~the provisions of~~ s. 286.011, s. 24(b), Art. I of the State  
29 Constitution, and s. 120.525.

30 (c) The exemptions in paragraphs (a) and (b) apply until  
31 the complaint or other alleged indication of a breach of the  
32 public trust is dismissed as legally insufficient; until the  
33 alleged violator requests in writing that the such records and  
34 proceedings be made public; until the commission determines that  
35 it will not investigate the complaint, publicly disseminated  
36 information, or referral; or until the commission, a Commission  
37 on Ethics and Public Trust, or a county or municipality that has  
38 established such local investigatory process determines, based  
39 on an such investigation, whether probable cause exists to  
40 believe that a violation has occurred. In no event shall a  
41 complaint under this part against a candidate in any general,  
42 special, or primary election be filed or any intention of filing  
43 such a complaint be disclosed on the day of any such election or  
44 within the 5 days immediately preceding the date of the

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46 (d) The confidentiality requirements of this subsection do  
47 not prohibit the commission, a Commission on Ethics and Public  
48 Trust, or a county or municipality that has established a local  
49 investigatory process from sharing investigative information  
50 with a criminal investigative agency.

51 (e)~~(d)~~ This subsection is subject to the Open Government  
52 Sunset Review Act in accordance with s. 119.15 and shall stand  
53 repealed on October 2, 2018 ~~2015~~, unless reviewed and saved from  
54 repeal through reenactment by the Legislature.

55 Section 2. (1) The Legislature finds that it is a public  
56 necessity that a determination of legal sufficiency to conduct  
57 an investigation of an alleged breach of the public trust under  
58 part III of chapter 112, Florida Statutes, the Code of Ethics  
59 for Public Officers and Employees, pursuant to publicly  
60 disseminated information or a referral from a public official be  
61 held confidential and exempt from s. 119.07(1), Florida  
62 Statutes, and s. 24(a), Article I of the State Constitution  
63 until the Commission on Ethics, a Commission on Ethics and  
64 Public Trust, or a county or municipality dismisses such  
65 allegation as legally insufficient, determines that it will not  
66 conduct an investigation, or determines, based on an  
67 investigation, whether probable cause exists to believe that a  
68 violation has occurred. This exemption is necessary because the  
69 release of information that is subsequently found to be  
70 insufficient and without legal basis could potentially be  
71 defamatory to the individual under investigation or cause  
72 unwarranted damage to his or her good name or reputation.



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101 legal sufficiency relating to an alleged violation of  
102 part III of ch. 112, F.S., the Code of Ethics for  
103 Public Officers and Employees; providing an exemption  
104 from public meetings requirements for any proceeding  
105 relating to such determination; authorizing the  
106 Commission on Ethics and its staff to share  
107 investigative information with criminal investigative  
108 agencies; providing for legislative review and repeal  
109 of the exemptions under the Open Government Sunset  
110 Review Act; providing a statement of public necessity;  
111 providing a contingent effective date.