

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: State Affairs Committee
 2 Representative Fasano offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

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

8 112.324 Procedures on complaints of violations; public
 9 records and meeting exemptions.-

10 (2) (a) The complaint and records relating to a written the
 11 complaint, other determination of legal sufficiency to conduct
 12 an investigation of an alleged breach of the public trust as
 13 provided under subsection (1), or to a any preliminary
 14 investigation held by the commission or its agents, by a
 15 Commission on Ethics and Public Trust established by a any
 16 county as defined in s. 125.011(1) or a by any municipality as
 17 defined in s. 165.031, or by a any county or municipality that
 18 has established a local investigatory process to enforce more
 19 stringent standards of conduct and disclosure requirements as

Amendment No.

20 provided in s. 112.326 are confidential and exempt from ~~the~~
21 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
22 Constitution.

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

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

47 (d) The confidentiality requirements of this subsection do

Amendment No.

48 not prohibit the commission, a Commission on Ethics and Public
49 Trust, or a county or municipality that has established a local
50 investigatory process from sharing investigative information
51 with a criminal investigative agency.

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

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

74 (2) In addition, the Legislature finds that it is a public
75 necessity that any proceeding conducted by the Commission on

Amendment No.

76 Ethics, a Commission on Ethics and Public Trust, or a county or
77 municipality pursuant to publicly disseminated information or a
78 referral from a public official be exempt from s. 286.011,
79 Florida Statutes, s. 24(b), Article I of the State Constitution,
80 and s. 120.525, Florida Statutes, so that the administration of
81 such proceeding is not otherwise significantly impaired. The
82 exemption of these proceedings from public meetings requirements
83 minimizes the possibility of unnecessary scrutiny by the public
84 or media of the individual under investigation and his or her
85 family before there is a determination of probable cause.
86 Furthermore, the Legislature has already recognized the
87 importance of the aforementioned public records and public
88 meetings exemptions by exempting the records and meetings of the
89 Commission on Ethics, a Commission on Ethics and Public Trust,
90 or a county or municipality conducting such a proceeding.

91 Section 3. This act shall take effect July 1, 2013, only
92 if HB 233 or similar legislation is adopted in the same
93 legislative session or an extension thereof and becomes law.

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96 **T I T L E A M E N D M E N T**

97 Remove everything before the enacting clause and insert:

98 A bill to be entitled

99 An act relating to public records and meetings;
100 amending s. 112.324, F.S.; providing an exemption from
101 public records requirements for a determination of
102 legal sufficiency relating to an alleged violation of
103 part III of ch. 112, F.S., the Code of Ethics for

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7133 (2013)

Amendment No.

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