

**FOR CONSIDERATION** By the Committee on Ethics and Elections

582-01850-18

20187020pb

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., which  
4           provides exemptions from public records and public  
5           meetings requirements for complaints alleging a  
6           violation of part III of ch. 112, F.S., and related  
7           records that are held by the Commission on Ethics or  
8           its agents and specified local government entities,  
9           for written referrals and related records that are  
10          held by the commission or its agents, the Governor,  
11          the Department of Law Enforcement, and state  
12          attorneys, and for portions of meetings at which  
13          complaints or referrals are discussed or acted upon;  
14          removing the scheduled repeal of the exemptions;  
15          providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. Subsection (2) of section 112.324, Florida  
20           Statutes, is amended to read:

21           112.324 Procedures on complaints of violations and  
22           referrals; public records and meeting exemptions.—

23           (2) (a) The complaint and records relating to the complaint  
24           or to any preliminary investigation held by the commission or  
25           its agents, by a Commission on Ethics and Public Trust  
26           established by any county defined in s. 125.011(1) or by any  
27           municipality defined in s. 165.031, or by any county or  
28           municipality that has established a local investigatory process  
29           to enforce more stringent standards of conduct and disclosure

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30 requirements as provided in s. 112.326 are confidential and  
31 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
32 Constitution.

33 (b) Written referrals and records relating to such  
34 referrals held by the commission or its agents, the Governor,  
35 the Department of Law Enforcement, or a state attorney, and  
36 records relating to any preliminary investigation of such  
37 referrals held by the commission or its agents, are confidential  
38 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
39 Constitution.

40 (c) Any portion of a proceeding conducted by the  
41 commission, a Commission on Ethics and Public Trust, or a county  
42 or municipality that has established such local investigatory  
43 process, pursuant to a complaint or preliminary investigation,  
44 is exempt from s. 286.011, s. 24(b), Art. I of the State  
45 Constitution, and s. 120.525.

46 (d) Any portion of a proceeding of the commission in which  
47 a determination regarding a referral is discussed or acted upon  
48 is exempt from s. 286.011 and s. 24(b), Art. I of the State  
49 Constitution, and s. 120.525.

50 (e) The exemptions in paragraphs (a)-(d) apply until:

51 1. The complaint is dismissed as legally insufficient;

52 2. The alleged violator requests in writing that such  
53 records and proceedings be made public;

54 3. The commission determines that it will not investigate  
55 the referral; or

56 4. The commission, a Commission on Ethics and Public Trust,  
57 or a county or municipality that has established such local  
58 investigatory process determines, based on such investigation,

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59 whether probable cause exists to believe that a violation has  
60 occurred.

61 (f) A complaint or referral under this part against a  
62 candidate in any general, special, or primary election may not  
63 be filed nor may any intention of filing such a complaint or  
64 referral be disclosed on the day of any such election or within  
65 the 30 days immediately preceding the date of the election,  
66 unless the complaint or referral is based upon personal  
67 information or information other than hearsay.

68 ~~(g) This subsection is subject to the Open Government~~  
69 ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~  
70 ~~repealed on October 2, 2018, unless reviewed and saved from~~  
71 ~~repeal through reenactment by the Legislature.~~

72 Section 2. This act shall take effect October 1, 2018.