

By Senator Gaetz

1-01701-26

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A bill to be entitled

An act relating to public records; amending s. 112.3243, F.S.; providing an exemption from public records requirements for information received by the commission or derived from its investigations; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Present subsection (5) of section 112.3243, Florida Statutes, as created by SB 92 or similar legislation, 2026 Regular Session, is redesignated as subsection (6), and a new subsection (5) is added to that section, to read:

112.3243 Investigative procedures in response to prohibited personnel actions against ethics complaints.—

(5) CONFIDENTIALITY.—All information received by the commission or information produced or derived from fact-finding or other investigations conducted by the commission is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the information is received or derived from allegations as set forth in s. 112.3242 relating to an active investigation. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that all information received by the Commission on

1-01701-26

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30 Ethics or information produced or derived from fact-finding or
31 other investigations conducted by the commission be made
32 confidential and exempt from s. 119.07(1), Florida Statutes, and
33 s. 24(a), Article I of the State Constitution until the
34 investigation is terminated or ceases to be active. The
35 premature release of such records could frustrate or thwart an
36 investigation and impair the ability of the commission to
37 effectively and efficiently administer ss. 112.324, 112.3242,
38 and 112.3243, Florida Statutes. In addition, the release of such
39 records before completion of an active investigation could
40 jeopardize an ongoing investigation, thereby affecting the
41 ability of the commission to effectively and efficiently
42 administer the investigation. Therefore, the Legislature finds
43 that the harm that may result from the release of all
44 information received by the commission or information produced
45 or derived from fact-finding or other investigations conducted
46 by the commission pursuant to s. 112.3242, Florida Statutes,
47 outweighs the public benefit that may be derived from the
48 disclosure of the information.

49 Section 3. This act shall take effect on the same date that
50 SB 92 or similar legislation takes effect, if such legislation
51 is adopted in the same legislative session or an extension
52 thereof and becomes a law.