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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/11/2019	.	
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The Committee on Criminal Justice (Book) recommended the following:

Senate Amendment

Delete lines 46 - 103
and insert:

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

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

(2) (a) The complaint and records relating to the complaint or to any preliminary investigation held by the commission or



585814

11 its agents, by a Commission on Ethics and Public Trust
12 established by any county defined in s. 125.011(1) or by any
13 municipality defined in s. 165.031, or by any county or
14 municipality that has established a local investigatory process
15 to enforce more stringent standards of conduct and disclosure
16 requirements as provided in s. 112.326 are confidential and
17 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
18 Constitution.

19 (b) Written referrals and records relating to such
20 referrals held by the commission or its agents, the Governor,
21 the Department of Law Enforcement, or a state attorney, and
22 records relating to any preliminary investigation of such
23 referrals held by the commission or its agents, are confidential
24 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
25 Constitution.

26 (c) Any portion of a proceeding conducted by the
27 commission, a Commission on Ethics and Public Trust, or a county
28 or municipality that has established such local investigatory
29 process, pursuant to a complaint or preliminary investigation,
30 is exempt from s. 286.011, s. 24(b), Art. I of the State
31 Constitution, and s. 120.525.

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

36 (e) The exemptions in paragraphs (a)-(d) apply until:
37 1. The complaint is dismissed as legally insufficient;
38 2. Except in connection with complaints or referrals that
39 involve allegations of sexual harassment or sexual misconduct,



585814

40 the alleged violator requests in writing that such records and
41 proceedings be made public;

42 3. The commission determines that it will not investigate
43 the referral; or

44 4. The commission, a commission on ethics and public trust,
45 or a county or municipality that has established such local
46 investigatory process determines, based on such investigation,
47 whether probable cause exists to believe that a violation has
48 occurred.

49 (f) Notwithstanding paragraph (e), the personal identifying
50 information of an alleged victim of sexual harassment or sexual
51 misconduct or any information that could assist an individual in
52 determining the identity of such alleged victim remains
53 confidential and exempt as provided under s. 119.071(2)(n)3. and
54 may not be disclosed in a portion of a proceeding conducted by
55 the commission, a commission on ethics and public trust, or a
56 county or municipality that has established such local
57 investigatory process which is open to the public.

58 (g) This subsection is subject to the Open Government
59 Sunset Review Act in accordance with s. 119.15 and shall stand
60 repealed on October 2, 2024, unless reviewed and saved from
61 repeal through reenactment by the Legislature.

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



585814

69 Section 2. Paragraph (n) of subsection (2) of section
70 119.071, Florida Statutes, is amended to read:

71 119.071 General exemptions from inspection or copying of
72 public records.—

73 (2) AGENCY INVESTIGATIONS.—

74 (n)1. Complaints, referrals, and reports that allege sexual
75 harassment or sexual misconduct, including allegations of sexual
76 harassment or sexual misconduct in violation of part III of
77 chapter 112, and any related records that are held by an agency
78 are Personal identifying information of the alleged victim in an
79 allegation of sexual harassment is confidential and exempt from
80 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
81 Such information may be disclosed to another governmental entity
82 in the furtherance of its official duties and responsibilities.

83 2. Except as provided in subparagraph 3., the exemption in
84 subparagraph 1. applies until:

85 a. The agency determines that it will not investigate the
86 allegation;

87 b. The agency takes disciplinary action against the subject
88 of the allegation and determines that it will take no further
89 action in the matter; or

90 c. A finding is made as to whether probable cause exists.

91 3. Notwithstanding the release of any record pursuant to
92 subparagraph 2., the personal identifying information of an
93 alleged victim of sexual harassment or sexual misconduct or any
94 information that could assist an