

By the Committee on Ethics and Elections

582-02647-18

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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.

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

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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.