

BILL ORIGINAL YEAR

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 an exemption from public records and public  
 5 meetings requirements for complaints and related records  
 6 in the custody of and proceedings conducted by the  
 7 Commission on Ethics or a Commission on Ethics and Public  
 8 Trust established by a county or municipality;  
 9 reorganizing the exemption; removing the scheduled repeal  
 10 of the exemption; providing an effective date.

11  
 12 Be It Enacted by the Legislature of the State of Florida:  
 13

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

16 112.324 Procedures on complaints of violations; public  
 17 records and meeting exemptions.--

18 (2) (a) The complaint and records relating to the complaint  
 19 or to any preliminary investigation held by the commission or  
 20 its agents or by a Commission on Ethics and Public Trust  
 21 established by any county defined in s. 125.011(1) or by any  
 22 municipality defined in s. 165.031 are confidential and exempt  
 23 from the provisions of s. 119.07(1) and s. 24(a), Art. I of the  
 24 State Constitution. ~~and~~

25 (b) Any proceeding conducted by the commission or a  
 26 Commission on Ethics and Public Trust, pursuant to a complaint  
 27 or preliminary investigation, is exempt from the provisions of

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28 s. 286.011, s. 24(b), Art. I of the State Constitution, and s.  
 29 120.525.~~7~~

30 (c) The exemptions apply until the complaint is dismissed  
 31 as legally insufficient, until the alleged violator requests in  
 32 writing that such records and proceedings be made public, or  
 33 until the commission or a Commission on Ethics and Public Trust  
 34 determines, based on such investigation, whether probable cause  
 35 exists to believe that a violation has occurred. In no event  
 36 shall a complaint under this part against a candidate in any  
 37 general, special, or primary election be filed or any intention  
 38 of filing such a complaint be disclosed on the day of any such  
 39 election or within the 5 days immediately preceding the date of  
 40 the election.

41 ~~(b) Paragraph (a) is subject to the Open Government Sunset~~  
 42 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~  
 43 ~~on October 2, 2010, unless reviewed and saved from repeal~~  
 44 ~~through reenactment by the Legislature.~~

45 Section 2. This act shall take effect October 1, 2010.