

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 requirements for  
 5           complaints and related records held by the Commission on  
 6           Ethics or a Commission on Ethics and Public Trust  
 7           established by a county or municipality and an exemption  
 8           from public meetings requirements for proceedings  
 9           conducted by such commissions pursuant to a complaint or  
 10          preliminary investigation; reorganizing the exemption;  
 11          removing the scheduled repeal of the exemption; providing  
 12          an effective date.

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

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

18           112.324 Procedures on complaints of violations; public  
 19           records and meeting exemptions.—

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

27           (b) Any proceeding conducted by the commission or a  
 28           Commission on Ethics and Public Trust, pursuant to a complaint

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29 | or preliminary investigation, is exempt from the provisions of  
30 | s. 286.011, s. 24(b), Art. I of the State Constitution, and s.  
31 | 120.525.7

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

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

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