

HB 1317

2014

1 A bill to be entitled

2 An act relating to public records; amending s.  
3 112.324, F.S.; providing an exemption from public  
4 records requirements for complaints alleging a  
5 violation of a county ethics ordinance and any related  
6 records held by the clerk of the circuit court;  
7 providing for future review and repeal of the  
8 exemption; providing a statement of public necessity;  
9 providing a contingent effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13 Section 1. Paragraph (a) of subsection (2) of section  
14 112.324, Florida Statutes, is amended to read:

15 112.324 Procedures on complaints of violations and  
16 referrals; public records and meeting exemptions.—

17 (2) (a) 1. The complaint and records relating to the  
18 complaint or to any preliminary investigation held by the  
19 commission or its agents, by a Commission on Ethics and Public  
20 Trust established by any county defined in s. 125.011(1) or by  
21 any municipality defined in s. 165.031, or by any county or  
22 municipality that has established a local investigatory process  
23 to enforce more stringent standards of conduct and disclosure  
24 requirements as provided in s. 112.326 are confidential and  
25 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
26 Constitution.

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27        2. The complaint and records relating to the complaint  
28 held by a clerk of the circuit court as provided in s. 112.327  
29 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.  
30 I of the State Constitution. This subparagraph is subject to the  
31 Open Government Sunset Review Act in accordance with s. 119.15  
32 and shall stand repealed on October 2, 2019, unless reviewed and  
33 saved from repeal through reenactment by the Legislature.

34        Section 2. The Legislature finds that it is a public  
35 necessity that a complaint and records held by the clerk of the  
36 circuit court relating to the complaint or to any preliminary  
37 investigation be confidential and exempt from public records  
38 requirements. As the official custodian of records relating to a  
39 complaint alleging a violation of a county ethics ordinance, the  
40 clerk of the circuit court has an important interest in keeping  
41 such documents confidential in order to maintain the integrity  
42 of the investigation of the complaint and protect against the  
43 risk of release of potentially defamatory information of an  
44 individual who is the subject of the complaint. Additionally,  
45 given that such documents held by the Commission on Ethics or  
46 its agents or any local ethics agency are currently confidential  
47 and exempt from public records requirements, it is appropriate  
48 that such documents held by the clerk of the circuit court be  
49 afforded the same confidentiality.

50        Section 3. This act shall take effect on the same date  
51 that HB 1315 or similar legislation takes effect, if such  
52 legislation is adopted in the same legislative session or an

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53 | extension thereof and becomes law.