

1 A bill to be entitled
2 An act relating to exemption from public
3 records and meeting requirements; creating s.
4 1005.385, F.S.; creating an exemption from
5 public records requirements for specified
6 complaints filed with the Commission for
7 Independent Education and all information
8 obtained pursuant to the investigation of such
9 complaints by the commission; providing a time
10 limitation for the exemption; providing an
11 exception to the exemption; creating an
12 exemption from public meeting requirements for
13 proceedings of the commission's probable-cause
14 panel; providing a time limitation for the
15 exemption; providing for future review and
16 repeal of the exemptions; providing findings of
17 public necessity; providing a conditional
18 effective date.

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

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22 Section 1. Section 1005.385, Florida Statutes, is
23 created to read:
24 1005.385 Actions against a licensee and other
25 penalties; public records and public meetings exemption.--A
26 complaint filed with the Commission for Independent Education
27 under s. 1005.38 and all information obtained pursuant to the
28 investigation of such complaint by the commission is
29 confidential and exempt from the provisions of s. 119.07(1)
30 and s. 24(a), Art. I of the State Constitution for a period
31 not to exceed 10 days after the probable cause panel

1 established under s. 1005.38 declares a finding of probable
 2 cause, at which time the exemption shall expire. The
 3 commission may provide information obtained pursuant to s.
 4 1005.38 to any law enforcement or regulatory agency. The
 5 proceedings of the probable cause panel established under s.
 6 1005.38 are exempt from the provisions of s. 286.011 and s.
 7 24(b), Art. I of the State Constitution until the panel
 8 declares a finding of probable cause, at which time the
 9 exemption shall expire. This section is subject to the Open
 10 Government Sunset Review Act of 1995 in accordance with s.
 11 119.15, and shall stand repealed on October 2, 2007, unless
 12 reviewed and saved from repeal through reenactment by the
 13 Legislature.

14 Section 2. The Legislature finds that it is a public
 15 necessity to make confidential and exempt from public
 16 disclosure complaints filed with the Commission for
 17 Independent Education under s. 1005.38, Florida Statutes, and
 18 all information obtained in the course of an investigation of
 19 such complaints by the commission, and to close the
 20 proceedings at which a finding of probable cause under s.
 21 1005.38 is determined because the exemption prevents unfounded
 22 complaints and investigations from being used to damage the
 23 good name of an institution or persons associated with the
 24 institution. Because the information made exempt under this
 25 act would be released after a finding of probable cause, the
 26 public would continue to be protected.

27 Section 3. This act shall take effect on January 7,
 28 2003, if HB 2017 or similar legislation is adopted in the same
 29 legislative session or an extension thereof.
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