

1 A bill to be entitled
2 An act relating to public records and meetings;
3 creating s. 246.1112, Florida Statutes;
4 exempting certain investigatory records of the
5 Commission for Independent Education; providing
6 for future review and repeal; providing a
7 statement of public necessity; providing a
8 contingent effective date.

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

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12 Section 1. Section 246.1112, Florida Statutes, is
13 created to read:

14 246.1112 Actions against a licensee and other
15 penalties; confidentiality of information.--The complaint and
16 all information obtained by the Commission for Independent
17 Education in the course of an investigation under s. 246.111
18 is confidential and exempt from s. 119.07(1), and s. 24(a),
19 Art. I of the State Constitution, for a maximum of 10 days
20 after the probable-cause panel declares a finding of probable
21 cause, and the proceedings of that probable-cause panel are
22 exempt from s. 286.011 and s. 24(b), Art. I of the State
23 Constitution until the panel declares a finding of probable
24 cause. This section is subject to the Open Government Sunset
25 Review Act of 1995 in accordance with s. 119.15, and shall
26 stand repealed October 2, 2007, unless renewed and saved from
27 repeal through reenactment by the Legislature.

28 Section 2. When the probable-cause panel determines
29 that probable cause does not exist, the Legislature finds that
30 it is a public necessity to exempt from public-disclosure a
31 complaint filed under section 246.111, Florida Statutes, and

1 all information obtained in the course of investigation of a
2 complaint filed under section 246.111, Florida Statutes. The
3 Legislature finds that it is a public necessity to exempt the
4 proceedings of the probable-cause panel under section 246.111,
5 Florida Statutes, from public-disclosure requirements. The
6 exemption prevents unfounded complaints and investigations
7 from being used to damage the good name of an individual or
8 entity. The public interest would be protected because the
9 complaint, all information obtained in the course of the
10 investigation of the complaint, and a record of the
11 proceedings of the probable-cause panel shall be subject to
12 public disclosure if the probable-cause panel determines that
13 probable cause exists.

14 Section 3. This act shall take effect January 7, 2003,
15 if Senate Bill 2022, relating to independent postsecondary
16 educational institutions or similar legislation is adopted in
17 the same legislative session, or an extension thereof, and
18 becomes a law.

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