

1 A bill to be entitled
 2 An act relating to public records and public meetings
 3 exemptions for investigations by the Commission for
 4 Independent Education; amending s. 1005.38, F.S.; creating
 5 an exemption from public records requirements for a
 6 complaint, information obtained during an investigation,
 7 and minutes and findings of a probable cause panel
 8 relating to suspected violations of ch. 1005, F.S., or
 9 commission rules; creating an exemption from public
 10 meetings requirements for proceedings of a probable cause
 11 panel; providing for limited duration of the exemptions;
 12 providing for future review and repeal; providing a
 13 statement of public necessity; providing a contingent
 14 effective date.

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

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 18 Section 1. Paragraphs (b), (c), (d), (e), and (f) of
 19 subsection (6) of section 1005.38, Florida Statutes, as amended
 20 by HB 1089, 2005 Regular Session, are redesignated as paragraphs
 21 (c), (d), (e), (f), and (g), respectively, and a new paragraph
 22 (b) is added to said subsection to read:

23 1005.38 Actions against a licensee and other penalties.--
 24 (6) The commission may conduct disciplinary proceedings
 25 through an investigation of any suspected violation of this
 26 chapter or any rule of the commission, including a finding of
 27 probable cause and making reports to any law enforcement agency
 28 or regulatory agency.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

29 (b)1. A complaint, all information obtained by the
30 commission during the resultant investigation, and the minutes
31 and findings of a probable cause panel shall be confidential and
32 exempt from the provisions of s. 24(a), Art. I of the State
33 Constitution and s. 119.07(1) for a maximum of 10 days after the
34 panel declares findings of probable cause. All proceedings of a
35 probable cause panel are exempt from the provisions of s. 24(b),
36 Art. I of the State Constitution and s. 286.011 for a maximum of
37 10 days after the probable cause panel declares the findings.

38 2. This paragraph is subject to the Open Government Sunset
39 Review Act of 1995 in accordance with s. 119.15 and shall stand
40 repealed on October 2, 2010, unless reviewed and saved from
41 repeal through reenactment by the Legislature.

42 Section 2. The Legislature finds that it is a public
43 necessity that a complaint, information obtained during the
44 resultant investigation, and the minutes and findings of a
45 probable cause panel relating to suspected violations of chapter
46 1005, Florida Statutes, or rules of the Commission for
47 Independent Education be held confidential and exempt from
48 public disclosure for a maximum of 10 days after a panel
49 declares findings of probable cause. In addition, the
50 Legislature finds that it is a public necessity that the
51 proceedings of a probable cause panel relating to such
52 violations be exempt from public meetings requirements for a
53 maximum of 10 days after the panel declares findings of probable
54 cause. The Legislature finds that lack of confidentiality during
55 an institutional investigation and the probable cause process
56 impedes the investigation. The Legislature finds that false

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57 accusations against an institution, or the dissemination of
58 inaccurate information, may result in harm to past graduates and
59 current students by improperly tainting the reputation of an
60 institution and the credentials of its students. By ensuring
61 confidentiality during the investigatory and probable cause
62 processes, the state helps to maintain and enforce the federal
63 Family Educational Rights and Privacy Act by ensuring that
64 student records are kept confidential.

65 Section 3. This act shall take effect on the same date
66 that HB 1089 or similar legislation takes effect, if such
67 legislation is adopted in the same legislative session or an
68 extension thereof and becomes law.