

CHAMBER ACTION

1 The Colleges & Universities Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to public records and public meetings
7 exemptions for investigations by the Commission for
8 Independent Education; amending s. 1005.38, F.S.; creating
9 an exemption from public records requirements for
10 investigatory records, including minutes and findings of
11 an exempt probable cause panel meeting, relating to
12 suspected violations of ch. 1005, F.S., or commission
13 rules; creating an exemption from public meetings
14 requirements for proceedings of a probable cause panel;
15 providing for limited duration of the exemptions;
16 providing for future review and repeal; providing a
17 statement of public necessity; providing a contingent
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. Paragraphs (b), (c), (d), (e), and (f) of
23 subsection (6) of section 1005.38, Florida Statutes, as amended

HB 1091

2005
CS

24 | by HB 1089, 2005 Regular Session, are redesignated as paragraphs
25 | (c), (d), (e), (f), and (g), respectively, and a new paragraph
26 | (b) is added to said subsection to read:

27 | 1005.38 Actions against a licensee and other penalties.--

28 | (6) The commission may conduct disciplinary proceedings
29 | through an investigation of any suspected violation of this
30 | chapter or any rule of the commission, including a finding of
31 | probable cause and making reports to any law enforcement agency
32 | or regulatory agency.

33 | (b)1. All investigatory records held by the commission in
34 | conjunction with investigations conducted pursuant to this
35 | subsection, including minutes and findings of an exempt probable
36 | cause panel meeting convened in conjunction with such
37 | investigations, shall be confidential and exempt from s.
38 | 119.07(1) and s. 24(a), Art. I of the State Constitution for a
39 | period not to exceed 10 days after the panel declares a finding
40 | of probable cause. The commission may provide such confidential
41 | and exempt information to any law enforcement or regulatory
42 | agency.

43 | 2. The proceedings of the probable cause panel established
44 | pursuant to this subsection are exempt from s. 286.011 and s.
45 | 24(b), Art. I of the State Constitution until the panel declares
46 | a finding of probable cause, at which time the exemption shall
47 | expire.

48 | 3. This paragraph is subject to the Open Government Sunset
49 | Review Act of 1995 in accordance with s. 119.15 and shall stand
50 | repealed on October 2, 2010, unless reviewed and saved from
51 | repeal through reenactment by the Legislature.

HB 1091

2005
CS

52 Section 2. The Legislature finds that it is a public
53 necessity that investigatory records held by the Commission for
54 Independent Education in conjunction with an investigation
55 conducted pursuant to s. 1005.38(6), Florida Statutes, including
56 minutes and findings of an exempt probable cause panel meeting
57 convened in conjunction with such investigations, be held
58 confidential and exempt from public records requirements for a
59 period not to exceed 10 days after a panel declares a finding of
60 probable cause. The Legislature further finds that it is a
61 public necessity that the proceedings of any probable cause
62 panel convened in conjunction with such investigations be made
63 exempt from public meetings requirements until the panel
64 declares a finding of probable cause. The exemptions created by
65 this act relating to investigations conducted by the Commission
66 for Independent Education prevent unfounded complaints and
67 investigations from being used to damage the good name of an
68 institution or persons associated with the institution. Because
69 the information made exempt under this act will be available to
70 the public after a finding of probable cause, the public will
71 continue to be protected.

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