

CHAMBER ACTION

1 The Education Council recommends the following:

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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 certain portions of meetings of a  
15 probable cause panel; providing for limited duration of  
16 the exemptions; providing for future review and repeal;  
17 providing a statement of public necessity; providing a  
18 contingent effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Paragraphs (b), (c), (d), and (e) of subsection  
23 (6) of section 1005.38, Florida Statutes, as amended by HB 1089

24 or similar legislation during the 2005 Regular Session or an  
 25 extension thereof, are redesignated as paragraphs (c), (d), (e),  
 26 and (f), respectively, and a new paragraph (b) is added to said  
 27 subsection to read:

28 1005.38 Actions against a licensee and other penalties.--

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

34 (b)1. All investigatory records held by the commission in  
 35 conjunction with an investigation conducted pursuant to this  
 36 subsection, including minutes and findings of an exempt probable  
 37 cause panel meeting convened in conjunction with such  
 38 investigation, are exempt from s. 119.07(1) and s. 24(a), Art. I  
 39 of the State Constitution for a period not to exceed 10 days  
 40 after the panel makes a determination regarding probable cause.

41 2. Those portions of meetings of the probable cause panel  
 42 at which records made exempt pursuant to subparagraph 1. are  
 43 discussed are exempt from s. 286.011 and s. 24(b), Art. I of the  
 44 State Constitution.

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 47 repealed on October 2, 2010, unless reviewed and saved from  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

49 Section 2. The Legislature finds that it is a public  
 50 necessity that investigatory records held by the Commission for  
 51 Independent Education in conjunction with an investigation

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52 conducted pursuant to section 1005.38(6), Florida Statutes,  
53 including minutes and findings of an exempt probable cause panel  
54 meeting convened in conjunction with such investigation, be made  
55 exempt from public records requirements for a period not to  
56 exceed 10 days after a panel makes a determination regarding  
57 probable cause. The Legislature further finds that it is a  
58 public necessity that those portions of meetings of any probable  
59 cause panel convened in conjunction with such investigations at  
60 which exempt investigatory records are discussed be made exempt  
61 from public meetings requirements. The exemptions created by  
62 this act relating to investigations conducted by the Commission  
63 for Independent Education prevent unfounded complaints and  
64 investigations from being used to damage the good name of an  
65 institution or persons associated with the institution. Because  
66 the information made exempt under this act will be available to  
67 the public after a determination regarding probable cause is  
68 made, public oversight will be maintained.

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