

ENROLLED

HB 1091, Engrossed 1

2005 Legislature

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
6 investigatory records, including minutes and findings of
7 an exempt probable cause panel meeting, relating to
8 suspected violations of ch. 1005, F.S., or commission
9 rules; creating an exemption from public meetings
10 requirements for certain portions of meetings of a
11 probable cause panel; providing for limited duration of
12 the exemptions; providing for future review and repeal;
13 providing a statement of public necessity; providing a
14 contingent effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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

24 1005.38 Actions against a licensee and other penalties.--

25 (6) The commission may conduct disciplinary proceedings
26 through an investigation of any suspected violation of this
27 chapter or any rule of the commission, including a finding of

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28 | probable cause and making reports to any law enforcement agency
29 | or regulatory agency.

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

37 | 2. Those portions of meetings of the probable cause panel
38 | at which records made exempt pursuant to subparagraph 1. are
39 | discussed are exempt from s. 286.011 and s. 24(b), Art. I of the
40 | State Constitution.

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43 | repealed on October 2, 2010, unless reviewed and saved from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

45 | Section 2. The Legislature finds that it is a public
46 | necessity that investigatory records held by the Commission for
47 | Independent Education in conjunction with an investigation
48 | conducted pursuant to section 1005.38(6), Florida Statutes,
49 | including minutes and findings of an exempt probable cause panel
50 | meeting convened in conjunction with such investigation, be made
51 | exempt from public records requirements for a period not to
52 | exceed 10 days after a panel makes a determination regarding
53 | probable cause. The Legislature further finds that it is a
54 | public necessity that those portions of meetings of any probable
55 | cause panel convened in conjunction with such investigations at

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56 which exempt investigatory records are discussed be made exempt
57 from public meetings requirements. The exemptions created by
58 this act relating to investigations conducted by the Commission
59 for Independent Education prevent unfounded complaints and
60 investigations from being used to damage the good name of an
61 institution or persons associated with the institution. Because
62 the information made exempt under this act will be available to
63 the public after a determination regarding probable cause is
64 made, public oversight will be maintained.

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.