

Bill No. SB 1272

Barcode 030274

CHAMBER ACTION

Senate

House

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The Committee on Education (Wise) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Paragraphs (b), (c), (d), (e), and (f) of subsection (6) of section 1005.38, Florida Statutes, as amended by SB 1250, 2005 Regular Session, are redesignated as paragraphs (c), (d), (e), (f), and (g), respectively, and a new paragraph (b) is added to that subsection to read:

1005.38 Actions against a licensee and other penalties.--

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

(b)1. All investigatory records held by the commission in conjunction with an investigation conducted pursuant to

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1 this subsection, including minutes and findings of an exempt
 2 probable cause panel meeting convened in conjunction with such
 3 investigation, are exempt from s. 119.07(1) and s. 24(a), Art.
 4 I of the State Constitution for a period not to exceed 10 days
 5 after the panel makes a determination regarding probable
 6 cause.

7 2. Those portions of a meeting of the probable cause
 8 panel at which records made exempt pursuant to subparagraph 1.
 9 are discussed are exempt from s. 286.011 and s. 24(b), Art. I
 10 of the State Constitution.

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 13 shall stand repealed on October 2, 2010, unless reviewed and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

15 Section 2. The Legislature finds that it is a public
 16 necessity that investigatory records held by the Commission
 17 for Independent Education in conjunction with an investigation
 18 conducted pursuant to section 1005.38(6), Florida Statutes,
 19 including minutes and findings of an exempt probable cause
 20 panel meeting convened in conjunction with such
 21 investigations, be made exempt from public records
 22 requirements for a period not to exceed 10 days after a panel
 23 makes a determination regarding probable cause. The
 24 Legislature further finds that it is a public necessity that
 25 the proceedings of any probable cause panel convened in
 26 conjunction with such investigations be made exempt from
 27 public meetings requirements until the panel makes a
 28 determination regarding probable cause. The exemptions created
 29 by this act relating to investigations conducted by the
 30 Commission for Independent Education prevent unfounded
 31 complaints and investigations from being used to damage the

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1 good name of an institution or persons associated with the
 2 institution. Because the information made exempt under this
 3 act will be available to the public after a determination
 4 regarding probable cause is made, public oversight will be
 5 maintained.

6 Section 3. This act shall take effect on the same date
 7 that SB 1250 or similar legislation takes effect, if such
 8 legislation is adopted in the same legislative session or an
 9 extension thereof and becomes law.

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12 ===== T I T L E A M E N D M E N T =====

13 And the title is amended as follows:

14 Delete everything before the enacting clause

15

16 and insert:

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A bill to be entitled

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An act relating to public records and public
 meetings exemptions for investigations by the
 Commission for Independent Education; amending
 s. 1005.38, F.S.; creating an exemption from
 public records requirements for investigatory
 records, including minutes and findings of an
 exempt probable cause panel relating to
 suspected violations of ch. 1005, F.S., or
 commission rules; creating an exemption from
 public meetings requirements for proceedings of
 a probable cause panel; providing for limited
 duration of the exemptions; providing for
 future review and repeal; providing a statement
 of public necessity; providing a contingent

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effective date.