

By the Committee on Education; and Senator Wise

581-1921-05

1 A bill to be entitled

2 An act relating to public records and public

3 meetings exemptions for investigations by the

4 Commission for Independent Education; amending

5 s. 1005.38, F.S.; creating an exemption from

6 public records requirements for investigatory

7 records, including minutes and findings of an

8 exempt probable cause panel relating to

9 suspected violations of ch. 1005, F.S., or

10 commission rules; creating an exemption from

11 public meetings requirements for proceedings of

12 a probable cause panel; providing for limited

13 duration of the exemptions; providing for

14 future review and repeal; providing a statement

15 of public necessity; providing a contingent

16 effective date.

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

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20 Section 1. Paragraphs (b), (c), (d), (e), and (f) of

21 subsection (6) of section 1005.38, Florida Statutes, as

22 amended by SB 1250, 2005 Regular Session, are redesignated as

23 paragraphs (c), (d), (e), (f), and (g), respectively, and a

24 new paragraph (b) is added to that subsection to read:

25 1005.38 Actions against a licensee and other

26 penalties.--

27 (6) The commission may conduct disciplinary

28 proceedings through an investigation of any suspected

29 violation of this chapter or any rule of the commission,

30 including a finding of probable cause and making reports to

31 any law enforcement agency or regulatory agency.

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

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

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15 shall stand repealed on October 2, 2010, unless reviewed and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

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

1 Commission for Independent Education prevent unfounded
2 complaints and investigations from being used to damage the
3 good name of an institution or persons associated with the
4 institution. Because the information made exempt under this
5 act will be available to the public after a determination
6 regarding probable cause is made, public oversight will be
7 maintained.

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

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13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
14 COMMITTEE SUBSTITUTE FOR
15 Senate Bill 1272

16 The Committee Substitute provides that the investigatory
17 records, including the minutes and findings of an exempt
18 probable cause panel meeting, are exempt from public review
19 for a maximum of 10 days after the probable cause panel makes
20 a determination regarding probable cause; and revises the
21 public necessity statement.
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