By the Committees on Governmental Oversight and Productivity; Education; and Senator Wise

585-2196-05

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), and (e), 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), and (f), respectively, and a new
24	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.

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CODING: Words stricken are deletions; words underlined are additions.

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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	those portions of meetings of any probable cause panel
28	convened in conjunction with such investigations at which
29	exempt investigatory records are discussed be made exempt from
30	public meetings requirements. The exemptions created by this
31	act relating to investigations conducted by the Commission for

1	Independent Education prevent unfounded complaints and
2	investigations from being used to damage the good name of an
3	institution or persons associated with the institution.
4	Because the information made exempt under this act will be
5	available to the public after a determination regarding
6	probable cause is made, public oversight will be maintained.
7	Section 3. This act shall take effect on the same date
8	that SB 1250 or similar legislation takes effect, if such
9	legislation is adopted in the same legislative session or an
10	extension thereof and becomes law.
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12	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
13	CS/SB 1272
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15	Conforms the statement of public necessity to a change made in the exemption. That change narrowed the exemption to portions
16	of meetings of probable cause panels at which exempt investigatory records are discussed, instead of all
17	proceedings of the panel.
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