



1           (1) EXAMINATION DEVELOPMENT MEETINGS.--Those portions  
2 of meetings of the board, at which licensure examination  
3 questions or answers under this chapter are discussed, are  
4 exempt from s. 286.011 and s. 24(b), Art. I of the State  
5 Constitution.

6           (2) PROBABLE CAUSE PANEL.--

7           (a) Meetings of the probable cause panel of the board,  
8 pursuant to s. 497.153, are exempt from s. 286.011 and s.  
9 24(b), Art. I of the State Constitution.

10           (b) Records of exempt meetings of the probable cause  
11 panel of the board are exempt from s. 119.07(1) and s. 24(a),  
12 Art. I of the State Constitution, until 10 days after a  
13 determination regarding probable cause is made pursuant to s.  
14 497.153.

15           (3) EXAMINATIONS, INSPECTIONS, AND INVESTIGATIONS.--

16           (a) Except as otherwise provided in this subsection,  
17 information held by the department pursuant to a financial  
18 examination conducted under this chapter is confidential and  
19 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
20 Constitution, until the examination is completed or ceases to  
21 be active.

22           (b) Except as otherwise provided in this subsection,  
23 information held by the department pursuant to an inspection  
24 conducted under this chapter is confidential and exempt from  
25 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
26 until the inspection is completed or ceases to be active.

27           (c) Except as otherwise provided in this subsection,  
28 information held by the department pursuant to an  
29 investigation of a violation of this chapter is confidential  
30 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
31 Constitution until the investigation is completed or ceases to

1 be active or until 10 days after a determination regarding  
2 probable cause is made pursuant to s. 497.153.

3 (d) Information made confidential and exempt pursuant  
4 to this subsection may be disclosed by the department as  
5 follows:

6 1. To the probable cause panel of the board, for the  
7 purpose of probable cause panel proceedings pursuant to s.  
8 497.153.

9 2. To any law enforcement agency or other government  
10 agency in the performance of its official duties and  
11 responsibilities.

12 3. If the department uncovers information of immediate  
13 and serious concern to the public health, safety, or welfare,  
14 it may disseminate such information as it deems necessary for  
15 the public health, safety, or welfare.

16 (e) Information made confidential and exempt pursuant  
17 to this subsection shall remain confidential and exempt from  
18 s. 119.07(1), and s. 24(a), Art. I of the State Constitution  
19 after the examination, inspection, or investigation is  
20 completed or ceases to be active if:

21 1. The department submits the information to any law  
22 enforcement agency or other administrative agency for further  
23 examination or investigation. The information shall remain  
24 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
25 of the State Constitution until that agency's examination or  
26 investigation is completed or ceases to be active.

27 2. Disclosure of the information would:

28 a. Jeopardize the integrity of another active  
29 investigation or examination;

30 b. Reveal the identity of a confidential source; or  
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1           c. Reveal investigative or examination techniques or  
2 procedures.

3           (f) For purposes of this subsection, an examination,  
4 inspection, or investigation shall be considered active so  
5 long as the examination, inspection, or investigation is  
6 proceeding with reasonable dispatch and the department has a  
7 reasonable good-faith belief that the examination, inspection,  
8 or investigation may lead to the filing of an administrative,  
9 civil, or criminal proceeding or to the denial or conditional  
10 grant of an application for license or other approval required  
11 under this chapter.

12           (4) TRADE SECRETS.--Trade secrets, as defined in s.  
13 688.002, held by the department or board are confidential and  
14 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
15 Constitution.

16           (5) REVIEW AND REPEAL.--This section is subject to the  
17 Open Government Sunset Review Act of 1995 in accordance with  
18 s. 119.15, and shall stand repealed on October 2, 2010, unless  
19 reviewed and saved from repeal through reenactment by the  
20 Legislature.

21           Section 2. (1) The Legislature finds that it is a  
22 public necessity that those portions of meetings of the Board  
23 of Funeral, Cemetery, and Consumer Services at which licensure  
24 examination questions or answers, under chapter 497, Florida  
25 Statutes, are discussed be made exempt from public-meetings  
26 requirements. Without the exemption, board members might not  
27 propose new questions and answers, and engage in full and free  
28 discussion concerning existing and proposed questions and  
29 answers. If questions and answers for licensure examinations  
30 are disclosed to the public, the usefulness of those licensure  
31 examinations in assuring that applicants have studied and

1 learned the entire body of knowledge necessary for the safe  
2 and competent practice of their intended profession or  
3 occupation under chapter 497, Florida Statutes, would be  
4 severely undermined or eliminated. Therefore, without this  
5 exemption, the effective and efficient administration of the  
6 licensure process would be jeopardized.

7       (2) The Legislature finds that it is a public  
8 necessity that meetings of the probable cause panel of the  
9 board, under chapter 497, Florida Statutes, be made exempt  
10 from public-meetings requirements. The Legislature also finds  
11 that it is a public necessity that records of exempt meetings  
12 of the probable cause panel be made exempt from public-records  
13 requirements, until 10 days after a determination regarding  
14 probable cause is made. If probable cause panel meetings and  
15 records of those meetings are open to the public, the purpose  
16 of those meetings would be thwarted and frustrated to the  
17 substantial detriment of the public health, safety, and  
18 welfare. Public oversight is still maintained because the  
19 records of those meetings are preserved and are available to  
20 the public after a determination of probable cause is made.

21       (3)(a) The Legislature finds that it is a public  
22 necessity that information held by the Department of Financial  
23 Services pursuant to a financial examination conducted under  
24 chapter 497, Florida Statutes, be made confidential and exempt  
25 from public-records requirements until the examination is  
26 completed or ceases to be active. If a subject of a financial  
27 examination were able to discover that an examination was  
28 underway, that subject could frustrate and thwart the  
29 examination, thereby hindering the effective and efficient  
30 administration of the examination.

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1           (b) The Legislature finds that it is a public  
2 necessity that information held by the department pursuant to  
3 an inspection conducted under chapter 497, Florida Statutes,  
4 be made confidential and exempt from public-records  
5 requirements until the inspection is completed or ceases to be  
6 active. The premature release of such information could  
7 frustrate and thwart the inspection if the subject of an  
8 inspection were made aware that an inspection was to occur,  
9 thereby hindering the effective and efficient administration  
10 of the inspection.

11           (c) The Legislature finds that it is a public  
12 necessity that information held by the department pursuant to  
13 an investigation of a violation of chapter 497, Florida  
14 Statutes, be made confidential and exempt from public-records  
15 requirements until the investigation is completed or ceases to  
16 be active, or until 10 days after a determination regarding  
17 probable cause is made. If a subject of an investigation were  
18 able to discover that an investigation was underway, that  
19 subject could frustrate and thwart the investigation, thereby  
20 hindering the effective and efficient administration of the  
21 investigation.

22           (d) The Legislature finds that it is a public  
23 necessity to maintain the confidential and exempt status of  
24 the examination or investigation information if it has been  
25 provided to a law enforcement agency or other administrative  
26 agency for further examination or investigation. Release of  
27 such information prior to the completion of that examination  
28 or investigation would jeopardize the integrity of the  
29 examination or investigation.

30           (e) The Legislature finds that it is a public  
31 necessity to maintain the confidential and exempt status of

1 the examination, inspection, or investigation information if  
2 release of such information would jeopardize the integrity of  
3 another active investigation or examination, reveal the  
4 identity of a confidential source, or reveal investigative or  
5 examination techniques or procedures. If such information were  
6 disclosed to the public, subjects of such other investigations  
7 could frustrate or thwart those investigations, jeopardize the  
8 safety of the confidential source, or affect the ability of  
9 the department to conduct investigations or examinations.

10       (4) The Legislature finds that it is a public  
11 necessity that a trade secret, as defined in section 688.002,  
12 Florida Statutes, held by the Department of Financial Services  
13 or the Board of Funeral, Cemetery, and Consumer Services be  
14 made confidential and exempt from public-records requirements.  
15 A trade secret derives independent economic value, actual or  
16 potential, from not being generally known to, and not being  
17 readily ascertainable by proper means by, other persons who  
18 can obtain economic value from its disclosure or use. Without  
19 an exemption from public-records requirements for a trade  
20 secret held by the department or board, that trade secret  
21 becomes a public record when received and must be divulged  
22 upon request. Divulgence of any trade secret under the  
23 public-records law would destroy the value of that property,  
24 causing a financial loss to the person or entity submitting  
25 the trade secret. Release of that information would give  
26 business competitors an unfair advantage and weaken the  
27 position of the person or entity supplying the trade secret,  
28 in the marketplace.

29       Section 3. This act shall take effect October 1, 2005.  
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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                                   COMMITTEE SUBSTITUTE FOR  
3   Senate Bill 2344  
4  
5                   Narrows the scope of the exemptions.  
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7                   Provides exemption for portions of meetings at which licensure  
8                   examination questions or answers are discussed, as opposed to  
9                   entire meeting.  
10                  Provides that probable cause meetings are exempt and that  
11                  records of those meetings are exempt until 10 days after a  
12                  determination regarding probable cause is made.  
13                  Protects information related to financial examinations and  
14                  inspections until the examination or inspection is completed  
15                  or ceases to be active.  
16                  Protects information related to investigations until the  
17                  investigation is complete or ceases to be active or until 10  
18                  days after a determination regarding probable cause is made.  
19                  Provides exceptions.  
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