

By Senator Detert

23-01081-09

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1 A bill to be entitled
2 An act relating to a public-records exemption;
3 amending s. 1008.24, F.S.; providing an exemption from
4 public-records requirements for the investigation of
5 education testing impropriety and information obtained
6 pursuant to the investigation; providing for limited
7 duration of the exemption; providing for future review
8 and repeal of the exemption; providing a statement of
9 public necessity; providing an effective date.

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

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13 Section 1. Subsection (3) of section 1008.24, Florida
14 Statutes, is amended to read:

15 1008.24 Test security.—

16 (3) (a) A district school superintendent, a president of a
17 public postsecondary educational institution, or a president of
18 a nonpublic postsecondary educational institution shall
19 cooperate with the Commissioner of Education in any
20 investigation concerning the administration of a test
21 administered pursuant to state statute or rule.

22 (b) The investigation of a testing impropriety and all
23 information obtained pursuant to the investigation is
24 confidential and exempt from the provisions of s. 119.07(1) and
25 s. 24(a), Art. I of the State Constitution until the conclusion
26 of any Department of Education investigation or as provided in
27 s. 1012.796, when applicable. This paragraph is subject to the
28 Open Government Sunset Review Act in accordance with s. 119.15
29 and shall stand repealed on October 2, 2014, unless reviewed and

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30 saved from repeal through reenactment by the Legislature.

31 Section 2. The Legislature finds that it is a public
32 necessity that the investigation and all information related to
33 the investigation of a testing impropriety held by the
34 Department of Education be made confidential and exempt from
35 public-records requirements until the conclusion of any
36 Department of Education investigation or as provided in s.
37 1012.796, Florida Statutes, when applicable. The accountability
38 decisions related to testing in Florida are of statewide
39 interest, and there exists strong public interest in any
40 circumstances related to the investigation of a testing
41 impropriety. Circumstances may involve actions by teachers,
42 principals, or other individuals which must be uncovered through
43 a thorough investigation that may involve statistical and other
44 analyses. The release of information prior to the conclusion of
45 an investigation may provide information of a sensitive personal
46 nature which could cause unwarranted damage to the name or
47 reputation of all involved individuals.

48 Section 3. This act shall take effect July 1, 2009.