

ENROLLED
CS/HB 895

2009 Legislature

1 A bill to be entitled
2 An act relating to public records; amending s. 1008.24,
3 F.S.; providing an exemption from public records
4 requirements for personally identifiable information or
5 allegations of misconduct obtained or reported in
6 connection with an investigation of a testing impropriety
7 conducted by the Department of Education; providing that
8 the exemption applies until the investigation is concluded
9 or becomes inactive; providing for future legislative
10 review and repeal of the exemption under the Open
11 Government Sunset Review Act; providing a statement of
12 public necessity; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsection (3) of section 1008.24, Florida
17 Statutes, is amended to read:

18 1008.24 Test security.--

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

25 (b) The identity of a school or postsecondary educational
26 institution, the personally identifiable information of any
27 personnel of any school district or postsecondary educational
28 institution, or any specific allegations of misconduct obtained

ENROLLED
CS/HB 895

2009 Legislature

29 or reported pursuant to an investigation conducted by the
30 Department of Education of a testing impropriety are
31 confidential and exempt from the provisions of s. 119.07(1) and
32 s. 24(a), Art. I of the State Constitution until the conclusion
33 of the investigation or until such time as the investigation
34 ceases to be active. For the purpose of this paragraph, an
35 investigation shall be deemed concluded upon a finding that no
36 impropriety has occurred, upon the conclusion of any resulting
37 preliminary investigation pursuant to s. 1012.796, upon the
38 completion of any resulting investigation by a law enforcement
39 agency, or upon the referral of the matter to an employer who
40 has the authority to take disciplinary action against an
41 individual who is suspected of a testing impropriety. For the
42 purpose of this paragraph, an investigation shall be considered
43 active so long as it is ongoing and there is a reasonable, good
44 faith anticipation that an administrative finding will be made
45 in the foreseeable future. This paragraph is subject to the Open
46 Government Sunset Review Act in accordance with s. 119.15 and
47 shall stand repealed on October 2, 2014, unless reviewed and
48 saved from repeal through reenactment by the Legislature.

49 Section 2. The Legislature finds that it is a public
50 necessity that certain records related to the investigation of a
51 testing impropriety that are held by the Department of Education
52 be made confidential and exempt from public records requirements
53 until an investigation conducted by the department is concluded
54 or until such investigation becomes inactive. The decisions
55 relating to accountability and to testing in Florida are of
56 statewide interest, and there is a strong public interest in the

ENROLLED
CS/HB 895

2009 Legislature

57 circumstances surrounding an investigation of a testing
58 impropriety, including the identity of a school or postsecondary
59 educational institution and the actions by teachers,
60 administrators, paraprofessionals, or other individuals, which
61 must be uncovered through a comprehensive investigation that may
62 involve statistical and other analyses. The release of
63 information before an investigation is concluded may reveal
64 sensitive or personal information that could cause unwarranted
65 damage to the names or reputations of the individuals involved.

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