

By Senator Montford

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1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 1008.24, F.S., which
4 provides an exemption from public records requirements
5 for certain information held by the Department of
6 Education during active investigations of allegations
7 of testing impropriety; saving the exemption from
8 repeal under the Open Government Sunset Review Act;
9 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 (4) of section 1008.24, Florida
14 Statutes, is amended to read:

15 1008.24 Test administration and security.—

16 (4) (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 identity of a school or postsecondary educational
23 institution, the personally identifiable information of any
24 personnel of any school district or postsecondary educational
25 institution, or any specific allegations of misconduct obtained
26 or reported pursuant to an investigation conducted by the
27 Department of Education of a testing impropriety are
28 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
29 of the State Constitution until the conclusion of the

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44 shall stand repealed on October 2, 2014, unless reviewed and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

46 Section 2. This act shall take effect October 1, 2014.