

By the Committee on Governmental Oversight and Accountability;  
and Senator Montford

585-02891-14

2014656c1

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., relating  
4 to an exemption from public records requirements for  
5 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.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13 Section 1. Paragraph (b) of subsection (4) of section  
14 1008.24, Florida Statutes, is amended to read:

15 1008.24 Test administration and security; public records  
16 exemption.—

17 (4)

18 (b) The identity of a school or postsecondary educational  
19 institution, personal identifying ~~the personally identifiable~~  
20 information of any personnel of any school district or  
21 postsecondary educational institution, or any specific  
22 allegations of misconduct obtained or reported pursuant to an  
23 investigation conducted by the Department of Education of a  
24 testing impropriety are confidential and exempt from s.  
25 119.07(1) and s. 24(a), Art. I of the State Constitution until  
26 the conclusion of the investigation or until such time as the  
27 investigation ceases to be active. For the purpose of this  
28 paragraph, an investigation is ~~shall be~~ deemed concluded upon a  
29 finding that no impropriety has occurred, upon the conclusion of

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30 any resulting preliminary investigation pursuant to s. 1012.796,  
31 upon the completion of any resulting investigation by a law  
32 enforcement agency, or upon the referral of the matter to an  
33 employer who has the authority to take disciplinary action  
34 against an individual who is suspected of a testing impropriety.  
35 For the purpose of this paragraph, an investigation is ~~shall be~~  
36 considered active so long as it is ongoing and there is a  
37 reasonable, good faith anticipation that an administrative  
38 finding will be made in the foreseeable future. ~~This paragraph~~  
39 ~~is subject to the Open Government Sunset Review Act in~~  
40 ~~accordance with s. 119.15 and shall stand repealed on October 2,~~  
41 ~~2014, unless reviewed and saved from repeal through reenactment~~  
42 ~~by the Legislature.~~

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