

By the Committee on Higher Education

589-00879-15

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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. 1005.38, F.S., relating
4 to exemptions from public records and meeting
5 requirements for investigatory records held by and
6 portions of meetings conducted by the Commission for
7 Independent Education in disciplinary proceedings;
8 saving the exemptions from repeal under the Open
9 Government Sunset Review Act; providing an effective
10 date.

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

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14 Section 1. Paragraph (b) of subsection (6) of section
15 1005.38, Florida Statutes, is amended to read:

16 1005.38 Actions against a licensee and other penalties.—

17 (6) The commission may conduct disciplinary proceedings
18 through an investigation of any suspected violation of this
19 chapter or any rule of the commission, including a finding of
20 probable cause and making reports to any law enforcement agency
21 or regulatory agency.

22 (b)1. All investigatory records held by the commission in
23 conjunction with an investigation conducted pursuant to this
24 subsection are exempt from s. 119.07(1) and s. 24(a), Art. I of
25 the State Constitution for a period not to exceed 10 days after
26 the panel makes a determination regarding probable cause.

27 2.a. Those portions of meetings of the probable cause panel
28 at which records made exempt pursuant to subparagraph 1. are
29 discussed are exempt from s. 286.011 and s. 24(b), Art. I of the

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30 State Constitution. The closed portion of a meeting must be
31 recorded and no portion of the closed meeting may be off the
32 record. The recording shall be maintained by the commission.

33 b. The recording of a closed portion of a meeting and the
34 minutes and findings of such meeting are exempt from s.
35 119.07(1) and s. 24(a), Art. I of the State Constitution for a
36 period not to exceed 10 days after the panel makes a
37 determination regarding probable cause.

38 ~~3. This paragraph is subject to the Open Government Sunset~~
39 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
40 ~~on October 2, 2015, unless reviewed and saved from repeal~~
41 ~~through reenactment by the Legislature.~~

42 Section 2. This act shall take effect July 1, 2015.