

**FOR CONSIDERATION** By the Committee on Higher Education

589-00456-15

20157004pb

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.

11  
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.