

ENROLLED

HB 7005

2015 Legislature

1  
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 public meeting  
5 requirements for records of investigations conducted  
6 by the Commission for Independent Education,  
7 discussions of such investigatory records at probable  
8 cause panel meetings, and the recordings, minutes, and  
9 findings from the closed portions of such meetings;  
10 removing the scheduled repeal of the exemptions;  
11 providing an effective date.

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

14  
15 Section 1. Paragraph (b) of subsection (6) of section  
16 1005.38, Florida Statutes, is amended to read:

17 1005.38 Actions against a licensee and other penalties.—

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

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

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27 | the panel makes a determination regarding probable cause.

28 |       2.a. Those portions of meetings of the probable cause  
29 | panel at which records made exempt pursuant to subparagraph 1.  
30 | are discussed are exempt from s. 286.011 and s. 24(b), Art. I of  
31 | the State Constitution. The closed portion of a meeting must be  
32 | recorded and no portion of the closed meeting may be off the  
33 | record. The recording shall be maintained by the commission.

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

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40 | ~~Review Act in accordance with s. 119.15 and shall stand repealed~~  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

43 |       Section 2. This act shall take effect October 1, 2015.