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CS/HB 1127

2023 Legislature

1
 2 An act relating to public records and meetings;
 3 creating s. 1012.9931, F.S.; providing an exemption
 4 from public meetings requirements for certain portions
 5 of meetings of the Interstate Teacher Mobility Compact
 6 Commission and its executive committee; providing an
 7 exemption from public records requirements for
 8 recordings, minutes, and records generated during
 9 exempt portions of such meetings and for certain
 10 records relating to specified investigations;
 11 providing for future legislative review and repeal of
 12 the exemptions; providing statements of public
 13 necessity; providing a contingent effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Section 1012.9931, Florida Statutes, is created
 18 to read:

19 1012.9931 Interstate Teacher Mobility Compact Commission;
 20 public meetings and public records exemptions.-

21 (1) Any portion of a meeting of the Interstate Teacher
 22 Mobility Compact Commission or its executive committee in which
 23 any of the following information is discussed is exempt from s.
 24 286.011 and s. 24(b), Art. I of the State Constitution:

25 (a) Noncompliance of a member state with its obligations

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26 | under the compact;
 27 | (b) The employment, compensation, discipline, or other
 28 | matters, practices, or procedures related to specific employees
 29 | or other matters related to the commission's internal personnel
 30 | practices and procedures;
 31 | (c) Current, threatened, or reasonably anticipated
 32 | litigation;
 33 | (d) Negotiation of contracts for the purchase, lease, or
 34 | sale of goods, services, or real estate;
 35 | (e) Accusing any person of a crime or formally censuring
 36 | any person;
 37 | (f) Trade secrets or commercial or financial information
 38 | that is privileged or confidential;
 39 | (g) Information of a personal nature if disclosure would
 40 | constitute a clearly unwarranted invasion of personal privacy;
 41 | (h) Investigative records compiled for law enforcement
 42 | purposes;
 43 | (i) Information relating to any investigative reports
 44 | prepared by or on behalf of or for use by the commission or
 45 | executive committee when investigating or determining compliance
 46 | with the compact;
 47 | (j) Matters specifically exempted from disclosure by
 48 | federal or state practice laws; or
 49 | (k) Other matters as set forth by the commission's bylaws
 50 | and rules.

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51 (2) Recordings, minutes, and records generated during any
52 portion of an exempt meeting are exempt from s. 119.07(1) and s.
53 24(a), Art. I of the State Constitution.

54 (3) Records relating to an investigation of a teacher
55 received from another member state held by the commissioner, as
56 defined in s. 1012.993, or the Florida Department of Education
57 pursuant to the Interstate Teacher Mobility Compact are exempt
58 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
59 until such time as the investigation ceases to be active, or
60 until such time as a preliminary investigation has been
61 concluded with the finding that there is probable cause to
62 proceed and a complaint is filed. Prior to disclosing any
63 investigatory or disciplinary information concerning a teacher
64 received from another member state, the commissioner or the
65 Florida Department of Education shall communicate its intention
66 and purpose for such disclosure to the member state that
67 originally provided that information. For the purpose of this
68 subsection, an investigation shall be considered active as long
69 as it is continuing with a reasonable, good faith anticipation
70 that an administrative finding will be made in the foreseeable
71 future.

72 (4) This section is subject to the Open Government Sunset
73 Review Act in accordance with s. 119.15 and shall stand repealed
74 on October 2, 2028, unless reviewed and saved from repeal
75 through reenactment by the Legislature.

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76 Section 2. (1) The Legislature finds that it is a public
 77 necessity that any portion of a meeting of the Interstate
 78 Teacher Mobility Compact Commission or its executive committee
 79 in which any information in s. 1012.9931(1), Florida Statutes,
 80 is discussed be made exempt from s. 286.011, Florida Statutes,
 81 and s. 24(b), Article I of the State Constitution. The
 82 Interstate Teacher Mobility Compact requires that any portion of
 83 a meeting in which any information in s. 1012.9931(1), Florida
 84 Statutes, is discussed be closed to the public. In the absence
 85 of a public meetings exemption, this state would be prohibited
 86 from becoming a member state of the compact. Thus, this state
 87 would be unable to effectively and efficiently administer the
 88 compact.

89 (2) The Legislature finds that it is a public necessity
 90 that records relating to an investigation of a teacher received
 91 from another member state by the commissioner, as defined in s.
 92 1012.993, Florida Statutes, or the Florida Department of
 93 Education pursuant to the Interstate Teacher Mobility Compact be
 94 made exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
 95 Article I of the State Constitution, until such time as the
 96 investigation ceases to be active, or until such time as a
 97 preliminary investigation has been concluded with the finding
 98 that there is probable cause to proceed and a complaint is
 99 filed. The Interstate Teacher Mobility Compact requires that
 100 certain records relating to an investigation and discipline of

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101 teachers in other member states be protected to at least the
102 same extent that those records are protected in the member state
103 holding the records. In the absence of a public records
104 exemption, this state would be prohibited from becoming a member
105 state of the compact. Thus, this state would be unable to
106 effectively and efficiently administer the compact.

107 (3) The Legislature finds that it is a public necessity
108 that the recordings, minutes, and records generated during any
109 portion of a meeting in which any information in s.
110 1012.9931(1), Florida Statutes, is discussed be made exempt from
111 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the
112 State Constitution. Release of such information would negate the
113 public meetings exemption. As such, the Legislature finds that
114 the public records exemption is a public necessity.

115 Section 3. This act shall take effect on the same date
116 that HB 1125 or similar legislation takes effect, if such
117 legislation is adopted in the same legislative session or an
118 extension thereof and becomes law.