

House Bill No. 1091

An act relating to public records and public meetings exemptions for investigations by the Commission for Independent Education; amending s. 1005.38, F.S.; creating an exemption from public records requirements for investigatory records, including minutes and findings of an exempt probable cause panel meeting, relating to suspected violations of ch. 1005, F.S., or commission rules; creating an exemption from public meetings requirements for certain portions of meetings of a probable cause panel; providing for limited duration of the exemptions; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Paragraphs (b), (c), (d), and (e) of subsection (6) of section 1005.38, Florida Statutes, as amended by HB 1089 or similar legislation during the 2005 Regular Session or an extension thereof, are redesignated as paragraphs (c), (d), (e), and (f), respectively, and a new paragraph (b) is added to said subsection to read:

1005.38 Actions against a licensee and other penalties.—

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

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

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

3. This paragraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that investigatory records held by the Commission for Independent Education in conjunction with an investigation conducted pursuant to section 1005.38(6), Florida Statutes, including minutes and findings of an exempt probable cause panel meeting convened in conjunction with such investigation, be made exempt from public records requirements for a period not to exceed 10

days after a panel makes a determination regarding probable cause. The Legislature further finds that it is a public necessity that those portions of meetings of any probable cause panel convened in conjunction with such investigations at which exempt investigatory records are discussed be made exempt from public meetings requirements. The exemptions created by this act relating to investigations conducted by the Commission for Independent Education prevent unfounded complaints and investigations from being used to damage the good name of an institution or persons associated with the institution. Because the information made exempt under this act will be available to the public after a determination regarding probable cause is made, public oversight will be maintained.

Section 3. This act shall take effect on the same date that HB 1089 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

Approved by the Governor June 10, 2005.

Filed in Office Secretary of State June 10, 2005.