

## CHAPTER 2023-166

### Committee Substitute for House Bill No. 1127

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

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

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

1012.9931 Interstate Teacher Mobility Compact Commission; public meetings and public records exemptions.—

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

(a) Noncompliance of a member state with its obligations under the compact;

(b) The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(c) Current, threatened, or reasonably anticipated litigation;

(d) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

(e) Accusing any person of a crime or formally censuring any person;

(f) Trade secrets or commercial or financial information that is privileged or confidential;

(g) Information of a personal nature if disclosure would constitute a clearly unwarranted invasion of personal privacy;

(h) Investigative records compiled for law enforcement purposes;

(i) Information relating to any investigative reports prepared by or on behalf of or for use by the commission or executive committee when investigating or determining compliance with the compact;

(j) Matters specifically exempted from disclosure by federal or state practice laws; or

(k) Other matters as set forth by the commission's bylaws and rules.

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

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

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

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

(2) The Legislature finds that it is a public necessity that records relating to an investigation of a teacher received from another member state by the commissioner, as defined in s. 1012.993, Florida Statutes, or the Florida Department of Education pursuant to the Interstate Teacher Mobility Compact be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a),

Article I of the State Constitution, until such time as the investigation ceases to be active, or until such time as a preliminary investigation has been concluded with the finding that there is probable cause to proceed and a complaint is filed. The Interstate Teacher Mobility Compact requires that certain records relating to an investigation and discipline of teachers in other member states be protected to at least the same extent that those records are protected in the member state holding the records. In the absence of a public records exemption, this state would be prohibited from becoming a member state of the compact. Thus, this state would be unable to effectively and efficiently administer the compact.

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

Section 3. This act shall take effect on the same date that HB 1125 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 May 26, 2023.

Filed in Office Secretary of State May 26, 2023.