

FOR CONSIDERATION By the Committee on Higher Education

589-00879-10

20107036

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 an exemption from public-records requirements for
5 investigatory records held by the Commission for
6 Independent Education and an exemption from public-
7 meetings requirements for portions of meetings of a
8 probable cause panel convened by the commission;
9 saving the exemptions from repeal under the Open
10 Government Sunset Review Act; removing the scheduled
11 repeal of the exemptions; providing an effective date.

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

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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, including minutes and findings of an exempt probable
26 cause panel meeting convened in conjunction with such
27 investigation, are exempt from s. 119.07(1) and s. 24(a), Art. I
28 of the State Constitution for a period not to exceed 10 days
29 after the panel makes a determination regarding probable cause.

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

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35 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~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

38 Section 2. This act shall take effect October 1, 2010.