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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., which
 4 provides 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 a probable cause panel wherein
 8 exempt information is discussed; requiring a recording for
 9 any portion of a closed probable cause panel meeting;
 10 providing a public record exemption for the recording of a
 11 closed probable cause panel meeting; providing for future
 12 legislative review and repeal of the exemptions;
 13 reorganizing the section; providing a statement of public
 14 necessity; providing an effective date.

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

17
 18 Section 1. Paragraph (b) of subsection (6) of section
 19 1005.38, Florida Statutes, is amended to read:

20 1005.38 Actions against a licensee and other penalties.--

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

26 (b)1. All investigatory records held by the commission in
 27 conjunction with an investigation conducted pursuant to this
 28 subsection, ~~including minutes and findings of an exempt probable~~

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29 ~~cause panel meeting convened in conjunction with such~~
 30 ~~investigation,~~ are exempt from s. 119.07(1) and s. 24(a), Art. I
 31 of the State Constitution for a period not to exceed 10 days
 32 after the panel makes a determination regarding probable cause.

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

39 b. The recording of a closed portion of a meeting and the
 40 minutes and findings of such meeting are exempt from s.
 41 119.07(1) and s. 24(a), Art. I of the State Constitution for a
 42 period not to exceed 10 days after the panel makes a
 43 determination regarding probable cause.

44 3. This paragraph is subject to the Open Government Sunset
 45 Review Act in accordance with s. 119.15 and shall stand repealed
 46 on October 2, 2015 ~~2010~~, unless reviewed and saved from repeal
 47 through reenactment by the Legislature.

48 Section 2. The Legislature finds that it is a public
 49 necessity to make exempt from public records requirements
 50 recordings of any portion of a closed meeting of the probable
 51 cause panel of the Commission for Independent Education. Release
 52 of such recordings would compromise those discussions of the
 53 commission members which took place during a closed meeting and
 54 negates the public meeting exemption. In addition, the public
 55 records exemption for the recording of closed probable cause

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56 | panel meetings is temporary; thus, ensuring public oversight is
57 | provided.

58 | Section 3. This act shall take effect October 1, 2010.