

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to public records and meetings;
3 creating s. 491.018, F.S.; providing an exemption from
4 public records requirements for certain information
5 held by the Department of Health or the Board of
6 Clinical Social Work, Marriage and Family Therapy, and
7 Mental Health Counseling pursuant to the Professional
8 Counselors Licensure Compact; authorizing the
9 disclosure of such information under certain
10 circumstances; providing an exemption from public
11 meetings requirements for certain meetings or portions
12 of certain meetings of the Counseling Compact
13 Commission or committees of the commission; providing
14 an exemption from public records requirements for
15 recordings, minutes, and records generated during the
16 closed portions of such meetings; providing for future
17 legislative review and repeal of the exemptions;
18 providing statements of public necessity; providing a
19 contingent effective date.

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

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23 Section 1. Section 491.018, Florida Statutes, is created to
24 read:

25 491.018 Professional Counselors Licensure Compact; public
26 records and meetings exemptions.-

27 (1) A counselor's personal identifying information, other
28 than the counselor's name, licensure status, or licensure
29 number, obtained from the data system, as described in article X

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30 of s. 491.017, and held by the department or the Board of
31 Clinical Social Work, Marriage and Family Therapy, and Mental
32 Health Counseling is exempt from s. 119.07(1) and s. 24(a), Art.
33 I of the State Constitution unless the state that originally
34 reported the information to the data system authorizes the
35 disclosure of such information by law. If disclosure is so
36 authorized, information may be disclosed only to the extent
37 authorized by law by the reporting state.

38 (2) (a) A meeting or a portion of a meeting of the
39 Counseling Compact Commission, established in article IX of s.
40 491.017, or the executive committee or other committees of the
41 commission is exempt from s. 286.011 and s. 24(b), Art. I of the
42 State Constitution if the commission's legal counsel or designee
43 has certified that the meeting may be closed because the
44 commission or executive committee or other committees of the
45 commission must discuss any of the following:

46 1. Noncompliance of a member state with its obligations
47 under the compact.

48 2. The employment, compensation, discipline, or other
49 matters, practices, or procedures related to specific employees,
50 or other matters related to the commission's internal personnel
51 practices and procedures.

52 3. Current, threatened, or reasonably anticipated
53 litigation.

54 4. Negotiation of contracts for the purchase, lease, or
55 sale of goods, services, or real estate.

56 5. Accusing any person of a crime or formally censuring any
57 person.

58 6. Disclosure of trade secrets or commercial or financial

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59 information that is privileged or confidential.

60 7. Disclosure of information of a personal nature if
61 disclosure would constitute a clearly unwarranted invasion of
62 personal privacy.

63 8. Disclosure of investigative records compiled for law
64 enforcement purposes.

65 9. Disclosure of information related to any investigative
66 reports prepared by or on behalf of or for use of the commission
67 or other committee charged with responsibility of investigation
68 or determination of compliance issues pursuant to the compact.

69 10. Matters specifically exempted from disclosure by
70 federal or member state law.

71 (b) In keeping with the intent of the Professional
72 Counselors Licensure Compact, recordings, minutes, and records
73 generated during an exempt meeting or portion of such a meeting
74 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
75 Constitution.

76 (3) This section is subject to the Open Government Sunset
77 Review Act in accordance with s. 119.15 and shall stand repealed
78 on October 2, 2027, unless reviewed and saved from repeal
79 through reenactment by the Legislature.

80 Section 2. (1) The Legislature finds that it is a public
81 necessity that a counselor's personal identifying information,
82 other than the counselor's name, licensure status, or licensure
83 number, obtained from the data system, as described in article X
84 of s. 491.017, Florida Statutes, and held by the Department of
85 Health or the Board of Clinical Social Work, Marriage and Family
86 Therapy, and Mental Health Counseling be made exempt from s.
87 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State

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88 Constitution. Protection of such information is required under
89 the Professional Counselors Licensure Compact, which the state
90 must adopt in order to become a member state of the compact.
91 Without the public records exemption, this state will be unable
92 to effectively and efficiently implement and administer the
93 compact.

94 (2) (a) The Legislature finds that it is a public necessity
95 that any meeting of the Counseling Compact Commission or the
96 executive committee or other committees of the commission held
97 as provided in article IX of s. 491.017, Florida Statutes, in
98 which matters specifically exempted from disclosure by federal
99 or state law are discussed be made exempt from s. 286.011,
100 Florida Statutes, and s. 24(b), Art. I of the State
101 Constitution.

102 (b) The Professional Counselors Licensure Compact requires
103 the closure of any meeting, or any portion of a meeting, of the
104 Counseling Compact Commission or the executive committee or
105 other committees of the commission if the commission's legal
106 counsel or designee has certified that the meeting may be closed
107 because the commission or executive committee or other
108 committees of the commission must discuss certain sensitive and
109 confidential subject matters. In the absence of a public meeting
110 exemption, this state would be prohibited from becoming a member
111 state of the compact.

112 (3) The Legislature also finds that it is a public
113 necessity that the recordings, minutes, and records generated
114 during a meeting that is exempt pursuant to article IX of s.
115 491.017, Florida Statutes, be made exempt from s. 119.07(1),
116 Florida Statutes, and s. 24(a), Art. I of the State

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117 Constitution. Release of such information would negate the
118 public meetings exemption. As such, the Legislature finds that
119 the public records exemption is a public necessity.

120 Section 3. This act shall take effect on the same date that
121 SB 358 or similar legislation takes effect, if such legislation
122 is adopted in the same legislative session or an extension
123 thereof and becomes a law.