

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 322

INTRODUCER: Senator Burton

SUBJECT: Public Records and Meetings

DATE: January 9, 2024

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Siples	Yeatman	FP	Pre-meeting

I. Summary:

SB 322 creates public records and public meeting exemptions for the Interstate Medical Licensure Compact (IMLC), the Audiology and Speech-Language Pathology Interstate Compact, and the Physical Therapy Licensure Compact.

The bill protects from public disclosure the personal identifying information of a physician, audiologist, speech-language pathologist, physical therapist, and physical therapist assistant, other than the individual's name, licensure status, or license number, obtained from the coordinated licensure system or database (coordinated system) under the applicable compact and held by the Department of Health (DOH) or applicable board, unless the state that originally reported the information to the coordinated system authorizes the disclosure by law.

The bill exempts a meeting or a portion of a meeting of the compact commissions if the commission discusses specified topics or items that are exempt from disclosure under federal or state law. Recordings, minutes, and records generated during an exempt commission meeting are exempted under the bill from the public records provisions in s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.

The exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2029, unless reviewed and reenacted by the Legislature.

The bill provides a statement of public necessity as required by the State Constitution.

Because the bill creates a new public records exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill provides the effective date is the same date that SB 7016, or similar legislation, if adopted, takes effect.

II. Present Situation:

Access to Public Records – Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s.11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the Legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

Section 119.011(12), F.S., defines “public records” to include:

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connections with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2022-2024)

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person's right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.⁹ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰

General exemptions from the public records requirements are contained in the Public Records Act.¹¹ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹²

When creating a public records exemption, the Legislature may provide that a record is "exempt" or "confidential and exempt." Records designated as "confidential and exempt" are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹³ Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.¹⁴

Open Meetings Laws

The State Constitution provides that the public has a right to access governmental meetings.¹⁵ Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or discussed.¹⁶ This applies to the meetings of any collegial body of the executive branch of state government, counties, municipalities, school districts or special districts.¹⁷

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹¹ *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹² *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁵ FLA. CONST., art. I, s. 24(b).

¹⁶ *Id.*

¹⁷ FLA. CONST., art. I, s. 24(b). Meetings of the Legislature are governed by Article III, section 4(e) of the Florida Constitution, which states: "The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent

Public policy regarding access to government meetings is also addressed in the Florida Statutes. Section 286.011, F.S., known as the “Government in the Sunshine Law,”¹⁸ or the “Sunshine Law,”¹⁹ requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken be open to the public.²⁰ The board or commission must provide the public reasonable notice of such meetings.²¹ Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin or economic status or which operates in a manner that unreasonably restricts the public’s access to the facility.²² Minutes of a public meeting must be promptly recorded and open to public inspection.²³ Failure to abide by open meetings requirements will invalidate any resolution, rule or formal action adopted at a meeting.²⁴ A public officer or member of a governmental entity who violates the Sunshine Law is subject to civil and criminal penalties.²⁵

The Legislature may create an exemption to open meetings requirements by passing a general law by at least a two-thirds vote of each house of the Legislature.²⁶ The exemption must explicitly lay out the public necessity justifying the exemption, and must be no broader than necessary to accomplish the stated purpose of the exemption.²⁷ A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.²⁸

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act²⁹ (the Act), prescribe a legislative review process for newly created or substantially amended³⁰ public records or open meetings exemptions, with specified exceptions.³¹ The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.³²

time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public.”

¹⁸ *Times Pub. Co. v. Williams*, 222 So. 2d 470, 472 (Fla. 2d DCA 1969).

¹⁹ *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693, 695 (Fla. 1969).

²⁰ Section 286.011(1)-(2), F.S.

²¹ *Id.*

²² Section 286.011(6), F.S.

²³ Section 286.011(2), F.S.

²⁴ Section 286.011(1), F.S.

²⁵ Section 286.011(3), F.S.

²⁶ FLA. CONST., art. I, s. 24(c).

²⁷ *Id.*

²⁸ *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a public records statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

²⁹ Section 119.15, F.S.

³⁰ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

³¹ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

³² Section 119.15(3), F.S.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.³³ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;³⁴
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;³⁵ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.³⁶

The Act also requires specified questions to be considered during the review process. In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

Public Necessity Statement and Two-thirds Vote Requirement

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.³⁷ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.³⁸

Interstate Medical Licensure Compact

SB 7016 establishes Florida as a member state in the Interstate Medical Licensure Compact (IMLC). The IMLC provides an expedited pathway for allopathic and osteopathic physicians to qualify to practice medicine within compact member states. The IMLC currently includes 37 states, the District of Columbia and the Territory of Guam.³⁹

States participating in the IMLC are able to streamline the acquisition of a license by using an expedited process to share information with each other that the physician has previously submitted in his or her state of principal licensure.⁴⁰ Prior to participating in the IMLC, a

³³ Section 119.15(6)(b), F.S.

³⁴ Section 119.15(6)(b)1., F.S.

³⁵ Section 119.15(6)(b)2., F.S.

³⁶ Section 119.15(6)(b)3., F.S.

³⁷ *See generally* s. 119.15, F.S.

³⁸ Section 119.15(7), F.S.

³⁹ Interstate Medical Licensure Compact, *A Faster Pathway to Licensure*, available at <https://www.imlcc.org/a-faster-pathway-to-physician-licensure/> (last visited Dec. 18, 2023).

⁴⁰ *Id.*

physician must also complete a background screening. Approximately 80 percent of U.S. physicians meet the criteria for expedited licensure under the IMLC.⁴¹

The IMLC requires the establishment of a coordinated information system containing licensure and disciplinary information for all physicians licensed or who have applied for license under the IMLC. Member states must report disciplinary or investigatory records. Member states may also report non-public complaint, disciplinary, or investigatory information that is not otherwise required to be reported. All information provided to the IMLC Commission or distributed by member boards is confidential and may only be used for investigatory or disciplinary matters.⁴²

IMLC Commission

The IMLC Commission, as created in the model legislation of the IMLC, serves as its administrator. Each member state has two voting representatives on the IMLC Commission and, if the state has separate regulatory boards for allopathic and osteopathic medicine, then the representation is split between the two boards.⁴³

The IMLC Commission meets at least once per calendar year in a publicly noticed meeting. The IMLC also creates an executive committee that may act on behalf of the IMLC Commission, with the exception of rulemaking. Information, rules, and minutes of the IMLC Commission and the executive committee, with the exception of the discussion of certain topics that may be closed to the public, are available for public inspection.⁴⁴

All or a portion of an IMLC Commission meeting may be closed to the public if a topic is likely to involve certain matters, based on a two-thirds vote of the members present at the meeting. Meetings may be closed to discuss:

- Personnel matters;
- Matters specifically exempted from disclosure by federal law;
- Trade secrets or commercial or financial information that is privileged or confidential;
- Information that involves accusing a person of a crime or formally censuring a person;
- Discussion of information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- Investigative records compiled for law enforcement purposes; or
- Information that specifically relates to the participation in a civil action or other legal proceeding.⁴⁵

The commission must keep detailed minutes about all matters discussed and all actions taken.

⁴¹ *Id.*

⁴² IMLC, *Compact Law and Model Legislation*, pp. 8-9., available at <https://www.imlcc.org/wp-content/uploads/2021/02/IMLC-Compact-Law.pdf> (last visited Dec. 18, 2023).

⁴³ *Id.*, at 11-13.

⁴⁴ *Id.*, at 13.

⁴⁵ *Id.* at 12-13.

Audiology and Speech-Language Pathology Interstate Compact

SB 7016 establishes Florida as a member state in the Audiology and Speech Language Pathology Interstate Compact (ASLP Compact). The ASLP Compact provides a pathway for an audiologist or speech-language pathologist who is licensed in his or her primary state of residence to apply for and be granted a privilege to practice audiology or speech-language pathology, respectively, in another member state, without obtaining a license in that state.

Although the ASLP Compact has been enacted into law in 29 states, it is not yet fully operational.⁴⁶ It is anticipated that it will begin processing applications for compact privileges in early 2024.

The ASLP Compact requires the development and maintenance of a coordinated database and reporting system containing licensure and disciplinary information for all licensed individuals practicing under the compact.

The compact overrides a compact state's laws to the contrary and requires the submission of a uniform data set on all licensees containing:

- Identifying information;
- Licensure data;
- Adverse actions against a license or compact privilege;
- Non-confidential information related to alternative program participation;
- Any denial of application for licensure and the reason for the denial;
- Current significant investigative information pertaining to a licensee; and
- Other information determined by commission rules.

The ASLP Compact Commission must promptly notify all member states of adverse action taken against any licensee or individual applying for a license. Such information must be available to any other member state.

A member state may designate information that may not be shared with the public without the express permission of that member state. Any information submitted to the coordinated database which is subsequently required to be expunged by law must be removed from the coordinated database.

ASLP Compact Commission

The ASLP Compact Commission, as created in the model legislation of the ASLP Compact, serves as its administrator.⁴⁷ Each member state has two delegates on the ASLP Compact Commission.

⁴⁶ ASLP Compact, *ASLP-IC: Audiology & Speech-Language Pathology Interstate Compact*, available at <https://aslpcompact.com/> (last visited at Dec. 18, 2023).

⁴⁷ ASLP Compact, *Audiology and Speech-Language Pathology Interstate Compact (ASLP-IC)*, pp. 10-16., available at https://aslpcompact.com/wp-content/uploads/2021/01/Final_ASLP-IC_Legislation_Correct_1.6.21.pdf (last visited Dec. 18, 2023).

The ASLP Compact Commission meets at least once per calendar year in a publicly noticed meeting. The ASLP Compact also creates an executive committee that may act on behalf of the ASLP Compact Commission. Information, rules, and minutes of the ASLP Compact Commission and the executive committee, except those involving the discussion of certain topics that may be closed to the public, are available for public inspection.⁴⁸

Although most of the ASLP Compact Commission's meetings are required to be open to the public, the commission may convene in a closed, non-public meeting to discuss:

- A member state's noncompliance;
- Matters related to the commission's internal personnel practices and procedures;
- Current, threatened, or reasonably anticipated litigation;
- Contract negotiations;
- Accusation of any person of a crime or a formal censure of a person;
- Information disclosing trade secrets or commercial or financial information that is privileged or confidential;
- Personal information, which if disclosed would constitute a clearly unwarranted invasion of personal privacy;
- Investigatory records compiled for law enforcement purposes;
- Information related to investigatory reports for use by the commission regarding compliance issues pursuant to the compact; or
- Matters specifically exempted from disclosure by federal or state statute.⁴⁹

If a meeting or portion of a meeting is closed, the ASLP Compact Commission's legal counsel must certify that the meeting may be closed and reference each relevant exempting provision.⁵⁰ The commission must keep detailed minutes about all matters discussed, actions taken, participants, views expressed, and documents considered. Under the compact, these minutes and documents must remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.⁵¹

Physical Therapy Licensure Compact

SB 7016 establishes Florida as a member state in the Physical Therapy Licensure Compact (PT Compact). The PT Compact provides a pathway for a physical therapist or physical therapist assistant who is licensed in his or her primary state of residence to apply for and be granted a privilege to practice in another member state, without obtaining a license in that state. Currently, 37 states participate in the PT Compact.⁵²

The PT Compact requires the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information for all licensed individuals in member states.

⁴⁸ *Id.*, at 14.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*, at 15.

⁵² PT Compact, *Compact Map*, available at <https://ptcompact.org/ptc-states> (last visited Dec. 18, 2023).

The compact overrides a compact state's laws to the contrary and requires the submission of a uniform data set on all licensees containing:

- Identifying information;
- Licensure data;
- Adverse actions against a license or compact privilege;
- Non-confidential information related to alternative program participation;
- Any denial of application for licensure and the reason for the denial; and
- Other information determined by commission rules.⁵³

Investigative information pertaining to a licensee is only available to other party states. The PT Compact Commission must promptly notify all member states of adverse action taken against any licensee or individual applying for a license. Such information must be available to any other member state.

A member state may designate information that may not be shared with the public without the express permission of that member state. Any information submitted to the coordinated database which is subsequently required to be expunged by law must be removed from the coordinated database.

PT Compact Commission

The PT Compact Commission, as created in the model legislation of the PT Compact, serves as its administrator.⁵⁴ Each member state has one delegate on the PT Compact Commission.

The PT Compact Commission meets at least once per calendar year in a publicly noticed meeting. The PT Compact also creates an executive board that may act on behalf of the PT Compact Commission. Information, rules, and minutes of the PT Compact Commission and the executive board, except those involving the discussion of certain topics that may be closed to the public, are available for public inspection.⁵⁵

Although most of the PT Compact Commission's meetings are required to be open to the public, the commission may convene in a closed, non-public meeting to discuss:

- A member state's noncompliance;
- Matters related to the commission's internal personnel practices and procedures;
- Current, threatened, or reasonably anticipated litigation;
- Contract negotiations;
- Accusation of any person of a crime or a formal censure of a person;
- Information disclosing trade secrets or commercial or financial information that is privileged or confidential;
- Personal information, which if disclosed would constitute a clearly unwarranted invasion of personal privacy;

⁵³ PT Compact, *Physical Therapy Compact Model Language*, pp. 18-19, available at https://ptcompact.org/Portals/0/Images/PT_Compact_Language_Final%20with%20Cover%20Page1_11_2021.pdf (last visited Dec. 18, 2023).

⁵⁴ *Id.*, at 9-18.

⁵⁵ *Id.*, at 14.

- Investigatory records compiled for law enforcement purposes;
- Information related to investigatory reports for use by the commission regarding compliance issues pursuant to the compact; or
- Matters specifically exempted from disclosure by federal or state statute.⁵⁶

If a meeting or portion of a meeting is closed, the PT Compact Commission's legal counsel must certify that the meeting may be closed and reference each relevant exempting provision.⁵⁷ The commission must keep detailed minutes about all matters discussed, actions taken, participants, views expressed, and documents considered. Under the compact, these minutes and documents must remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.⁵⁸

III. Effect of Proposed Changes:

Section 1 creates s.456.4503, F.S., to establish a public records and meetings exemption for activities related to the Interstate Medical Licensure Compact (IMLC). The bill exempts a physician's personal identifying information, other than the physician's name, licensure status, or license number, obtained from the coordinated information system and held by the Department of Health (DOH), Board of Medicine or Board of Osteopathic Medicine from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution, unless the state that originally reported the information to the coordinated information system authorizes the disclosure by law.

The bill exempts a meeting or a portion of a meeting of the IMLC Commission from s. 286.011, F.S., and s. 24(b), Art. I of the State Constitution if the IMLC Commission determines by a two-thirds vote of the commissioners present that the meeting would likely include a discussion of:

- Matters related to the IMLC Commission's internal personnel practices and procedures;
- Matters specifically exempted from disclosure by federal statutes;
- Trade secrets or commercial or financial information that is privileged or confidential;
- Accusation of any person of a crime or a formal censure of a person;
- Personal information, which if disclosed would constitute a clearly unwarranted invasion of personal privacy;
- Investigatory records compiled for law enforcement purposes; or
- Information related to participation in a civil action or other legal proceeding.

Recordings, minutes, and records generated during an exempt meeting are exempted from the public records provisions in s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.

The exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2029, unless reviewed and reenacted by the Legislature.

Section 2 creates s. 468.1336, F.S., to establish a public records and meetings exemption for activities related to the Audiology and Speech-Language Pathology Interstate Compact (ASLP

⁵⁶ *Id.*, at 14-15

⁵⁷ *Id.*, at 15.

⁵⁸ *Id.*

Compact). The bill exempts a audiologist's or speech-language pathologist's personal identifying information, other than the individual's name, licensure status, or license number, obtained from the coordinated database and reporting system and held by the DOH or Board of Speech-Language Pathology and Audiology from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution, unless the state that originally reported the information to the coordinated information system authorizes the disclosure by law.

The bill exempts a meeting or a portion of a meeting of the ASLP Compact Commission from s. 286.011, F.S., and s. 24(b), Art. I of the Statue Constitution if matters specifically exempted from disclosure by federal or state law are discussed. Recordings, minutes, and records generated during an exempt meeting are exempted from the public records provisions in s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.

The exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2029, unless reviewed and reenacted by the Legislature.

Section 3 creates s. 486.113, F.S., to establish a public records and meetings exemption for activities related to the Physical Therapy Licensure Compact (PT Compact). The bill exempts a physical therapist's or physical therapist assistant's personal identifying information, other than the individual's name, licensure status, or license number, obtained from the coordinated database and reporting system and held by the DOH or Board of Physical Therapy from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution, unless the state that originally reported the information to the coordinated information system authorizes the disclosure by law.

The bill exempts a meeting or a portion of a meeting of the PT Compact Commission or the executive board from s. 286.011, F.S., and s. 24(b), Art. I of the Statue Constitution if the following matters will be discussed:

- A member state's noncompliance;
- Matters related to the commission's internal personnel practices and procedures;
- Current, threatened, or reasonably anticipated litigation;
- Contract negotiations;
- Accusation of any person of a crime or a formal censure of a person;
- Information disclosing trade secrets or commercial or financial information that is privileged or confidential;
- Personal information, which if disclosed would constitute a clearly unwarranted invasion of personal privacy;
- Investigatory records compiled for law enforcement purposes;
- Information related to investigatory reports for use by the commission regarding compliance issues pursuant to the compact; or
- Matters specifically exempted from disclosure by federal or state statute

Recordings, minutes, and records generated during an exempt meeting are exempted from the public records provisions in s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.

The exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2029, unless reviewed and reenacted by the Legislature.

Section 4 contains the Legislative findings justifying the necessity for these exemptions. The protection from public disclosure of a physician's, audiologist's, speech-language pathologist's, physical therapist's, or physical therapist assistant's personal identifying information, other than the name, licensure status, or license number, obtained from the coordinated database and reporting systems is required under the IMLC, ASLP Compact, and PT Compact, respectively. Without this exemption, Florida would be unable to participate in these compacts.

The IMLC, ASLP Compact, and PT Compact require that meetings in which specified sensitive and confidential information is discussed must be closed to the public. Without this exemption from the public meetings law, Florida would be unable to participate in these compacts.

In addition, the IMLC, ASLP Compact, and PT Compact require that the mandatory recordings, minutes, and records generated during a closed meeting must not be disclosed publicly. The release of this information would negate the public meeting exemption and as such, the bill provides that the Legislature finds that the public records exemption is a public necessity.

Section 3 provides that the bill's effective date is the same date that SB 7016 or similar legislation takes effect, if adopted and becomes a law. SB 7016 takes effect upon becoming a law unless otherwise expressly provided.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, section 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records or open meetings requirements. This bill creates public records exemptions and a public meeting exemption; therefore, it requires a two-thirds vote.

Public Necessity Statement

Article I, section 24(a) of the State Constitution and Article I, section 24(b) of the State Constitution require a bill creating or expanding an exemption to the public records or open meetings requirements to state with specificity the public necessity justifying the exemption. Section 4 of the bill contains a statement of public necessity statement for the exemptions.

Breadth of Exemption

Article I, section 24(c), of the State Constitution requires exemptions to the public records and open meetings requirements to be no broader than necessary to accomplish

the stated purpose of the law. The purpose of the bill is to protect personal identifying information of physicians licensed under the IMLC, audiologists and speech-language pathologists practicing under the ASLP Compact, and physical therapists and physical therapist assistants practicing under the PT Compact, other than the individual's name, licensure status, or licensure number; commission meetings in which specifically identified confidential and sensitive information is discussed; and the recordings, minutes, and records generated during an exempt commission meeting. These protections are required of a member state through these compacts and they do not appear to be broader than necessary to accomplish its purpose.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 456.4503, 468.1336, and 486.113.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
