

By Senator Burton

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1 A bill to be entitled
2 An act relating to public records and meetings;
3 creating ss. 456.4503, 468.1336, and 486.113, F.S.;
4 providing an exemption from public records
5 requirements for certain information held by the
6 Department of Health, the Board of Medicine, the Board
7 of Osteopathic Medicine, the Board of Speech-Language
8 Pathology and Audiology, and the Board of Physical
9 Therapy Practice pursuant to the Interstate Medical
10 Licensure Compact, the Audiology and Speech-Language
11 Pathology Interstate Compact, and the Physical Therapy
12 Licensure Compact, as applicable; authorizing
13 disclosure of the information under certain
14 circumstances; providing an exemption from public
15 meetings requirements for certain meetings, or
16 portions of meetings, of the Interstate Medical
17 Licensure Compact Commission, the Audiology and
18 Speech-Language Pathology Interstate Compact
19 Commission, and the Physical Therapy Compact
20 Commission; providing an exemption from public records
21 requirements for recordings, minutes, and records
22 generated during the exempt meetings or exempt
23 portions of meetings; providing for future legislative
24 review and repeal of the exemptions; providing
25 statements of public necessity; providing a contingent
26 effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Section 456.4503, Florida Statutes, is created
31 to read:

32 456.4503 Interstate Medical Licensure Compact Commission;
33 public records and meetings exemptions.-

34 (1) A physician's personal identifying information, other
35 than the physician's name, licensure status, or licensure
36 number, obtained from the coordinated information system
37 described in Section 7 of s. 456.4501 and held by the
38 department, the Board of Medicine, or the Board of Osteopathic
39 Medicine, is exempt from s. 119.07(1) and s. 24(a), Art. I of
40 the State Constitution unless the state that originally reported
41 the information to the coordinated information system authorizes
42 the disclosure of such information by law. If disclosure is so
43 authorized, information may be disclosed only to the extent
44 authorized by law by the reporting state.

45 (2) (a) A meeting or a portion of a meeting of the
46 Interstate Medical Licensure Compact Commission established in
47 Section 10 of s. 456.4501 is exempt from s. 286.011 and s.
48 24(b), Art. I of the State Constitution if the Interstate
49 Commission determines by a two-thirds vote of the commissioners
50 present that the meeting would be likely to:

51 1. Relate solely to the internal personnel practices and
52 procedures of the Interstate Commission;

53 2. Discuss matters specifically exempted from disclosure by
54 federal statute;

55 3. Discuss trade secrets or commercial or financial
56 information that is privileged or confidential;

57 4. Involve accusing a person of a crime, or formally
58 censuring a person;

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59 5. Discuss information of a personal nature, the disclosure
60 of which would constitute a clearly unwarranted invasion of
61 personal privacy;

62 6. Discuss investigative records compiled for law
63 enforcement purposes; or

64 7. Specifically relate to the participation in a civil
65 action or other legal proceeding.

66 (b) Recordings, minutes, and records generated during an
67 exempt meeting or exempt portion of a meeting are exempt from s.
68 119.07(1) and s. 24(a), Art. I of the State Constitution.

69 (3) This section is subject to the Open Government Sunset
70 Review Act in accordance with s. 119.15 and shall stand repealed
71 on October 2, 2029, unless reviewed and saved from repeal
72 through reenactment by the Legislature.

73 Section 2. Section 468.1336, Florida Statutes, is created
74 to read:

75 468.1336 Audiology and Speech-Language Pathology Interstate
76 Compact Commission; public meetings and public records
77 exemptions.-

78 (1) An audiologist's or a speech-language pathologist's
79 personal identifying information, other than the audiologist's
80 or the speech-language pathologist's name, licensure status, or
81 licensure number, obtained from the coordinated database and
82 reporting system described in Article IX of s. 468.1335 and held
83 by the department or the board is exempt from s. 119.07(1) and
84 s. 24(a), Art. I of the State Constitution unless the state that
85 originally reported the information to the coordinated database
86 and reporting system authorizes the disclosure of such
87 information by law. If disclosure is so authorized, information

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88 may be disclosed only to the extent authorized by law by the
89 reporting state.

90 (2) (a) A meeting or a portion of a meeting of the Audiology
91 and Speech-Language Pathology Interstate Compact Commission
92 established in Article VIII of s. 468.1335 at which matters
93 specifically exempted from disclosure by federal or state law
94 are discussed is exempt from s. 286.011 and s. 24(b), Art. I of
95 the State Constitution.

96 (b) Recordings, minutes, and records generated during an
97 exempt meeting or an exempt portion of a meeting are exempt from
98 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

99 (3) This section is subject to the Open Government Sunset
100 Review Act in accordance with s. 119.15 and shall stand repealed
101 on October 2, 2029, unless reviewed and saved from repeal
102 through reenactment by the Legislature.

103 Section 3. Section 486.113, Florida Statutes, is created to
104 read:

105 486.113 Physical Therapy Compact Commission; public records
106 and meetings exemptions.—

107 (1) A physical therapist's or physical therapist
108 assistant's personal identifying information, other than the
109 person's name, licensure status, or licensure number, obtained
110 from the coordinated database and reporting system described in
111 Article VIII of s. 486.112 and held by the department or the
112 board is exempt from s. 119.07(1) and s. 24(a), Art. I of the
113 State Constitution unless the state that originally reported the
114 information to the coordinated database and reporting system
115 authorizes the disclosure of such information by law. If
116 disclosure is so authorized, information may be disclosed only

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117 to the extent authorized by law by the reporting state.

118 (2) (a) A meeting or a portion of a meeting of the Physical
119 Therapy Compact Commission or the executive board or any other
120 committee of the commission established in Article VII of s.
121 486.112 at which matters concerning any of the following are
122 discussed is exempt from s. 286.011 and s. 24(b), Art. I of the
123 State Constitution:

124 1. Noncompliance of a member state with its obligations
125 under the compact.

126 2. The employment, compensation, or discipline of, or other
127 matters, practices, or procedures related to, specific employees
128 or other matters related to the commission's internal personnel
129 practices and procedures.

130 3. Current, threatened, or reasonably anticipated
131 litigation against the commission, executive board, or other
132 committees of the commission.

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

135 5. An accusation of any person of a crime or a formal
136 censure of any person.

137 6. Information disclosing trade secrets or commercial or
138 financial information that is privileged or confidential.

139 7. Information of a personal nature where disclosure would
140 constitute a clearly unwarranted invasion of personal privacy.

141 8. Investigatory records compiled for law enforcement
142 purposes.

143 9. Information related to any investigative reports
144 prepared by or on behalf of or for use of the commission or
145 other committee charged with responsibility for investigation or

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146 determination of compliance issues pursuant to the compact.

147 10. Matters specifically exempted from disclosure by
148 federal or member state statute.

149 (b) Recordings, minutes, and records generated during an
150 exempt meeting or an exempt portion of a meeting are exempt from
151 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

152 (3) This section is subject to the Open Government Sunset
153 Review Act in accordance with s. 119.15 and shall stand repealed
154 on October 2, 2029, unless reviewed and saved from repeal
155 through reenactment by the Legislature.

156 Section 4. (1) The Legislature finds that it is a public
157 necessity that any physician's, audiologist's, speech-language
158 pathologist's, physical therapist's, or physical therapist
159 assistant's personal identifying information, other than the
160 person's name, licensure status, or licensure number, obtained
161 from the coordinated database and reporting systems described in
162 Section 7 of s. 456.4501, Florida Statutes, Article IX of s.
163 468.1335, Florida Statutes, or Article VIII of s. 486.112,
164 Florida Statutes, and held by the Department of Health, the
165 Board of Medicine, the Board of Osteopathic Medicine, the Board
166 of Speech-Language Pathology and Audiology, or the Board of
167 Physical Therapy Practice, as applicable, be made exempt from s.
168 119.07(1), Florida Statutes, and s. 24(a), Article I of the
169 State Constitution. Protection of such information is required
170 under the Interstate Medical Licensure Compact, the Audiology
171 and Speech-Language Pathology Interstate Compact, and the
172 Physical Therapy Licensure Compact, each of which must be
173 adopted by the Legislature in order for this state to become a
174 member state of the respective compacts. Without the public

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175 records exemption, this state would be unable to effectively and
176 efficiently implement and administer the respective compacts.

177 (2) (a) The Legislature finds that it is a public necessity
178 that any meeting or portion of a meeting of the Interstate
179 Medical Licensure Compact Commission, the Audiology and Speech-
180 Language Pathology Interstate Compact Commission, or the
181 Physical Therapy Compact Commission held as provided in s.
182 456.4501, Florida Statutes, s. 468.1335, Florida Statutes, or s.
183 486.112, Florida Statutes, respectively, in which matters
184 specifically exempted from disclosure by federal or state law
185 are discussed be made exempt from s. 286.011, Florida Statutes,
186 and s. 24(b), Article I of the State Constitution.

187 (b) The Interstate Medical Licensure Compact, the Audiology
188 and Speech-Language Pathology Interstate Compact, and the
189 Physical Therapy Licensure Compact require that any meeting or
190 portion of a meeting of the Interstate Medical Licensure Compact
191 Commission, the Audiology and Speech-Language Pathology
192 Interstate Compact Commission, and the Physical Therapy Compact
193 Commission, respectively, in which the substance of paragraph
194 (a) is discussed be closed to the public. In the absence of a
195 public meetings exemption, the state would be prohibited from
196 becoming a member state of the respective compacts and, thus,
197 prohibited from effectively and efficiently administering the
198 respective compacts.

199 (3) The Legislature also finds that it is a public
200 necessity that the recordings, minutes, and records generated
201 during a meeting or a portion of a meeting exempt pursuant to s.
202 456.4503(2), Florida Statutes, s. 468.1336(2), Florida Statutes,
203 or s. 486.113(2), Florida Statutes, be made exempt from s.

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204 119.07(1), Florida Statutes, and s. 24(a), Article I of the
205 State Constitution. Release of such information would negate the
206 public meetings exemption. As such, the Legislature finds that
207 the public records exemption is a public necessity.

208 Section 5. This act shall take effect on the same date that
209 SB 7016 or similar legislation takes effect, if such legislation
210 is adopted in the same legislative session or an extension
211 thereof and becomes a law.