

By Senator Harrell

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1 A bill to be entitled
2 An act relating to public records and meetings;
3 creating s. 491.023, 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 Social Work
8 Licensure Compact; authorizing the disclosure of such
9 information under certain circumstances; providing an
10 exemption from public meetings requirements for
11 certain meetings or portions of certain meetings of
12 the Social Work Licensure Compact Commission or its
13 executive committee or other committees; providing an
14 exemption from public records requirements for
15 recordings, minutes, and records generated during the
16 exempt meetings or portions of such meetings;
17 providing for future legislative review and repeal of
18 the exemptions; providing statements of public
19 necessity; providing a contingent effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

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23 Section 1. Section 491.023, Florida Statutes, is created to
24 read:

25 491.023 Social Work Licensure Compact; public records and
26 meetings exemptions.-

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

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30 Article XI of s. 491.022, and held by the department or the
31 board is exempt from s. 119.07(1) and s. 24(a), Art. I of the
32 State Constitution unless the state that originally reported the
33 information to the data system authorizes the disclosure of such
34 information by law. If disclosure is so authorized, such
35 information may be disclosed only to the extent authorized by
36 the law of the reporting state.

37 (2) (a) A meeting or a portion of a meeting of the Social
38 Work Licensure Compact Commission or the executive committee or
39 other committee of the commission held as provided in s. 491.022
40 is exempt from s. 286.011 and s. 24(b), Art. I of the State
41 Constitution if the commission or committee needs to receive
42 legal advice or discuss any of the following:

43 1. Noncompliance of a member state with its obligations
44 under the compact.

45 2. The employment, compensation, discipline of, or other
46 matters, practices, or procedures related to specific employees.

47 3. Current or threatened discipline of a licensee by the
48 commission or by a member state's licensing authority.

49 4. Current, threatened, or reasonably anticipated
50 litigation.

51 5. Negotiation of contracts for the purchase, lease, or
52 sale of goods, services, or real estate.

53 6. Accusing any person of a crime or formally censuring any
54 person.

55 7. Trade secrets or commercial or financial information
56 that is privileged or confidential.

57 8. Information of a personal nature when disclosure would
58 constitute a clearly unwarranted invasion of personal privacy.

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59 9. Investigative records compiled for law enforcement
60 purposes.

61 10. Information related to any investigative report
62 prepared by, or on behalf of or for the use of, the commission
63 or other committee charged with responsibility of investigation
64 or determination of compliance issues pursuant to the compact.

65 11. Matters specifically exempted from disclosure by
66 federal or member state law.

67 12. Other matters as adopted by commission rule.

68 (b) The presiding officer of the meeting shall state that
69 the meeting will be closed and reference each relevant exempting
70 provision, which must be recorded in the meeting minutes.

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

75 (3) This section is subject to the Open Government Sunset
76 Review Act in accordance with s. 119.15 and shall stand repealed
77 on October 2, 2030, unless reviewed and saved from repeal
78 through reenactment by the Legislature.

79 Section 2. (1) The Legislature finds that it is a public
80 necessity that a social worker's personal identifying
81 information, other than the social worker's name, licensure
82 status, or licensure number, obtained from the data system, as
83 described in Article XI of s. 491.022, Florida Statutes, and
84 held by the Department of Health or the Board of Clinical Social
85 Work, Marriage and Family Therapy, and Mental Health Counseling
86 be made exempt from s. 119.07(1), Florida Statutes, and s.
87 24(a), Article I of the State Constitution. Protection of such

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

93 (2) (a) The Legislature finds that it is a public necessity
94 that any meeting of the Social Work Licensure Compact Commission
95 or the executive committee or other committee of the commission
96 held as provided in s. 491.022, Florida Statutes, in which
97 matters specifically exempted from disclosure by federal or
98 state law are discussed be made exempt from s. 286.011, Florida
99 Statutes, and s. 24(b), Article I of the State Constitution.

100 (b) The Social Work Licensure Compact requires the closure
101 of any meeting, or any portion of a meeting, of the Social Work
102 Licensure Compact Commission or the executive committee or other
103 committee of the commission if the presiding officer announces
104 in a public meeting that, in connection with the performance of
105 the commission's duties, the commission must discuss certain
106 sensitive and confidential subject matters. In the absence of a
107 public meetings exemption, this state would be prohibited from
108 becoming a member state of the compact.

109 (3) The Legislature also finds that it is a public
110 necessity that the recordings, minutes, and records generated
111 during a meeting held as provided in s. 491.022, Florida
112 Statutes, that is exempt from public meetings requirements be
113 made exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
114 Article I of the State Constitution. Release of such information
115 would negate the public meetings exemption. As such, the
116 Legislature finds that the public records exemption is a public

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117 necessity.

118 Section 3. This act shall take effect on the same date that
119 SB 220 or similar legislation takes effect, if such legislation
120 is adopted in the same legislative session or an extension
121 thereof and becomes a law.