Committee on Fiscal Policy

SB 322 — Public Records and Meetings

by Senator Burton

The bill creates public records and public meeting exemptions for the Interstate Medical Licensure Compact, 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 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 Art. I, s. 24(a), 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The exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2029, unless reviewed and reenacted by the Legislature.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.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect on the same date that SB 7016 takes effect.
Vote: Senate 39-0; House 118-0

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Committee on Fiscal Policy

HCR 7055 — Equal Application of the Law

by State Affairs Committee and Rep. Alvarez and others (SCR 7066 by Fiscal Policy Committee)

Congress has exempted itself from certain laws that are applicable to the other branches of government or the citizenry at large, such as the Federal Freedom of Information Act and certain provisions of the Whistleblower Act of 1989. In 1995, Congress passed the Congressional Accountability Act to apply certain laws to Congress to which they had previously exempted themselves. However, there remain federal laws from which Congress has exempted the federal legislative branch, either through not applying the laws to itself or not fully complying with their requirements.

Article V of the United States Constitution provides the specific process for amending the document. Congress may directly propose amendments to the Constitution, which is the method that has been used for each of the 27 amendments ratified since the Constitution went into effect. Alternatively, upon application by the legislatures of two-thirds of the states, Congress must call a convention for the purpose of proposing amendments. A proposed amendment goes into effect once ratified by the legislatures or state conventions of three-fourths of the states; the method of ratification being solely the choice of Congress.

The concurrent resolution constitutes the state's application to Congress under Article V of the U.S. Constitution to call a convention for the sole purpose of considering and proposing a constitutional amendment prohibiting Congress from making any law applying to the citizens of the U.S. that does not also equally apply to all U.S. Representatives and U.S. Senators, and all members of the federal legislative branch.

Upon signature of the Legislature's presiding officers, the concurrent resolution requires copies of the application to be dispatched to the U.S. President, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, each member of the Florida delegation to the U.S. Congress, and the presiding officer of each house of the legislature of each state.
Vote: Senate Adopted; House Adopted

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Committee on Fiscal Policy

HCR 7057 — Line-item Veto

by State Affairs Committee and Rep. Alvarez and others (SCR 7064 by Fiscal Policy Committee)

Line-item vetoes allow the head of an executive branch of government to reject certain provisions of bills, while allowing other provisions to become law. Congress passed the Line Item Veto Act (LIVA) of 1996 to give the President of the United States the ability to veto certain appropriations by line item. The U.S. Supreme Court found LIVA unconstitutional, noting that a change that gives the President this authority must come through an amendment to the U.S. Constitution.

Article V of the U.S. Constitution provides the specific process for amending the document. Congress may directly propose amendments to the Constitution, which is the method that has been used for each of the 27 amendments ratified since the Constitution went into effect. Alternatively, upon application by the legislatures of two-thirds of the states, Congress must call a convention for the purpose of proposing amendments. A proposed amendment goes into effect once ratified by the legislatures or state conventions of three-fourths of the states; the method of ratification being solely the choice of Congress.

The concurrent resolution constitutes the state's application to Congress under Article V of the U.S. Constitution to call a convention for the sole purpose of considering and proposing a constitutional amendment giving the President authority to eliminate one or more items of appropriations while approving other portions of a bill.

The concurrent resolution requires copies of the application to be dispatched to the U.S. President, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, each member of the Florida delegation to the U.S. Congress, and the presiding officer of each house of the legislature of each state.
Vote: Senate Adopted; House Adopted

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Committee on Fiscal Policy

SB 7078 — Public Records and Meetings/Cancer Research Grant Applications

by Fiscal Policy Committee and Senator Harrell

The bill, which is linked to SB 7072, creates a public records exemption for proprietary business information related to the receipt and review of research grant applications that is held by the Department of Health or the Cancer Connect Collaborative (collaborative). Proprietary business information is defined as information that:

- Is owned by or controlled by the applicant;
- Is intended to be private and is treated as private by the applicant as private;
- Has not been disclosed except as required by law or a private agreement that provides that the information will not be released to the public;
- Is not readily available or ascertainable through proper means from another source in the same configuration as received by the collaborative;
- Affects competitive interests, and the disclosure of such information would impair the competitive advantage of the applicant; and
- Is explicitly identified or clearly marked as proprietary business information.

Proprietary business information is designated confidential and exempt, but may be disclosed under certain circumstances. The bill also exempts from the public meetings requirements, those portions of the collaborative's meetings during which proprietary business information is discussed. The bill requires that closed meetings be recorded and disclosed under specific circumstances.

The exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2029, and unless reviewed and saved from repeal by the Legislature. The bill contains a statement of public necessity, as required by the Florida Constitution.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect on the same date that SB 7072 or similar legislation takes effect, if such legislation is adopted in this legislative session and becomes a law.
Vote: Senate 38-0; House 114-0

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