

By Senator Grimsley

21-01887-16

20161306\_\_

1                   A bill to be entitled  
2           An act relating to public records and meetings;  
3           creating s. 464.0096, F.S.; providing an exemption  
4           from public records requirements for certain  
5           information held by the Department of Health or the  
6           Board of Nursing pursuant to the Nurse Licensure  
7           Compact; authorizing disclosure of the information  
8           under certain circumstances; providing an exemption  
9           from public meeting requirements for certain meetings  
10          of the Interstate Commission of Nurse Licensure  
11          Compact Administrators; providing an exemption from  
12          public records requirements for recordings, minutes,  
13          and records generated during the closed portion of  
14          such a meeting; providing for future legislative  
15          review and repeal of the exemptions; providing a  
16          statement of public necessity; providing a contingent  
17          effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

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21           Section 1. Section 464.0096, Florida Statutes, is created  
22 to read:

23           464.0096 Nurse Licensure Compact; public records and  
24 meetings exemptions.—

25           (1) A nurse's personal identifying information obtained  
26 from the coordinated licensure information system, as defined in  
27 s. 464.0095, and held by the department or the board is  
28 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
29 of the State Constitution unless the state that originally  
30 reported the information to the coordinated licensure  
31 information system authorizes the disclosure of such information  
32 by law. Under such circumstances, the information may only be

21-01887-16

20161306\_\_

33 disclosed to the extent permitted by the reporting state's law.

34 (2) (a) A meeting or portion of a meeting of the Interstate  
35 Commission of Nurse Licensure Compact Administrators established  
36 under s. 464.0095 during which any of the following is discussed  
37 is exempt from s. 286.011 and s. 24(b), Art. I of the State  
38 Constitution:

39 1. Failure of a party state to comply with its obligations  
40 under the Nurse Licensure Compact.

41 2. The employment, compensation, discipline, or other  
42 personnel matters, practices, or procedures related to specific  
43 employees or other matters related to the commission's internal  
44 personnel practices and procedures.

45 3. Current, threatened, or reasonably anticipated  
46 litigation.

47 4. Negotiation of contracts for the purchase or sale of  
48 goods, services, or real estate.

49 5. Accusing any person of a crime or formally censuring any  
50 person.

51 6. Trade secrets as defined in s. 688.002 or commercial or  
52 financial information required by the commission's bylaws or  
53 rules to be kept privileged or confidential.

54 7. Information of a personal nature which the commission  
55 determines by majority vote would constitute a clearly  
56 unwarranted invasion of personal privacy if disclosed to the  
57 public.

58 8. Active investigatory records compiled for law  
59 enforcement purposes. For the purposes of this subparagraph, the  
60 term "active" has the same meaning as provided in s.  
61 119.011 (3) (d).

21-01887-16

20161306\_\_

62 9. Information related to any reports prepared by or on  
63 behalf of the commission for the purpose of investigation of  
64 compliance with the Nurse Licensure Compact.

65 10. Information made confidential or exempt pursuant to  
66 federal law or pursuant to the laws of any party state.

67 11. Information made exempt pursuant to rules or bylaws of  
68 the commission, which would protect the public's interest and  
69 the privacy of individuals, and proprietary information.

70 (b) Recordings, minutes, and records generated during an  
71 exempt meeting are confidential and exempt from s. 119.07(1) and  
72 s. 24(a), Art. I of the State Constitution.

73 (3) This section is subject to the Open Government Sunset  
74 Review Act in accordance with s. 119.15 and shall stand repealed  
75 on October 2, 2021, unless reviewed and saved from repeal  
76 through reenactment by the Legislature.

77 Section 2. (1) The Legislature finds that it is a public  
78 necessity that a nurse's personal identifying information  
79 obtained from the coordinated licensure information system, as  
80 defined in s. 464.0095, Florida Statutes, and held by the  
81 Department of Health or the Board of Nursing be made  
82 confidential and exempt from s. 119.07(1), Florida Statutes, and  
83 s. 24(a), Article I of the State Constitution. Protection of  
84 such information is required under the Nurse Licensure Compact,  
85 which the state must adopt in order to become a party state to  
86 the compact. Without the public records exemption, this state  
87 will be unable to effectively and efficiently implement and  
88 administer the compact.

89 (2) (a) The Legislature finds that it is a public necessity  
90 that any meeting or portion of a meeting of the Interstate

21-01887-16

20161306\_\_

91 Commission of Nurse Licensure Compact Administrators established  
92 under s. 464.0095, Florida Statutes, at which any of the  
93 following is discussed be made exempt from s. 286.011, Florida  
94 Statutes, and s. 24(b), Article I of the State Constitution:

95 1. Failure of a party state to comply with its obligations  
96 under the Nurse Licensure Compact.

97 2. The employment, compensation, discipline, or other  
98 personnel matters, practices, or procedures related to specific  
99 employees or other matters related to the commission's internal  
100 personnel practices and procedures.

101 3. Current, threatened, or reasonably anticipated  
102 litigation.

103 4. Negotiation of contracts for the purchase or sale of  
104 goods, services, or real estate.

105 5. Accusing any person of a crime or formally censuring any  
106 person.

107 6. Trade secrets as defined in s. 688.002, Florida  
108 Statutes, or commercial or financial information required by the  
109 commission's bylaws or rules to be kept privileged or  
110 confidential.

111 7. Information of a personal nature which the commission  
112 determines by majority vote would constitute a clearly  
113 unwarranted invasion of personal privacy if disclosed to the  
114 public.

115 8. Active investigatory records compiled for law  
116 enforcement purposes.

117 9. Information related to any reports prepared by or on  
118 behalf of the commission for the purpose of investigation of  
119 compliance with the Nurse Licensure Compact.

21-01887-16

20161306\_\_

120       10. Information made confidential or exempt pursuant to  
121 federal law or pursuant to the laws of any party state.

122       11. Information made exempt pursuant to rules or bylaws of  
123 the commission, which would protect the public's interest, the  
124 privacy of individuals, and proprietary information.

125       (b) The Nurse Licensure Compact requires any meeting or  
126 portion of a meeting in which the substance of paragraph (a) is  
127 discussed to be closed to the public. Without the public meeting  
128 exemption, this state will be prohibited from becoming a party  
129 state to the compact. Thus, this state will be unable to  
130 effectively and efficiently administer the compact.

131       (3) The Legislature also finds that it is a public  
132 necessity that the recordings, minutes, and records generated  
133 during a meeting that is exempt pursuant to s. 464.0096, Florida  
134 Statutes, be made confidential and exempt from s. 119.07(1),  
135 Florida Statutes, and s. 24(a), Article I of the State  
136 Constitution. Release of such information would negate the  
137 public meeting exemption. As such, the Legislature finds that  
138 the public records exemption is a public necessity.

139       Section 3. This act shall take effect on the same date that  
140 SB \_\_\_\_ or similar legislation takes effect, if such legislation  
141 is adopted in the same legislative session or an extension  
142 thereof and becomes law.