

By the Committees on Governmental Oversight and Accountability;
and Health Policy

585-03751-19

20197080c1

1 A bill to be entitled
2 An act relating to public records and meetings;
3 creating s. 456.4502, F.S.; providing an exemption
4 from public records requirements for certain
5 information held by the Department of Health, the
6 Board of Medicine, or the Board of Osteopathic
7 Medicine pursuant to the Interstate Medical Licensure
8 Compact; providing an exemption from public meeting
9 requirements for certain meetings of the Interstate
10 Medical Licensure Commission; providing an exemption
11 from public records requirements for recordings,
12 minutes, and records generated during the closed
13 portions of such meetings; providing for future
14 legislative review and repeal of the exemptions;
15 providing a statement of public necessity; providing a
16 contingent effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Section 456.4502, Florida Statutes, is created
21 to read:

22 456.4502 Interstate Medical Licensure Compact; public
23 records and meetings exemptions.-

24 (1) A physician's personal identifying information, other
25 than the physician's name, licensure status, or licensure
26 number, obtained from the coordinated information system in
27 Section 8 of the Interstate Medical Licensure Compact and held
28 by the department or the board is exempt from s. 119.07(1) and
29 s. 24(a), Art. I of the State Constitution, unless the state

585-03751-19

20197080c1

30 that originally reported the information to the coordinated
31 information system authorizes the disclosure of such information
32 by law. If disclosure is so authorized, information may be
33 disclosed only to the extent authorized by law by the reporting
34 state.

35 (2) (a) Under Section 11 of the Interstate Medical Licensure
36 Compact, a meeting or a portion of a meeting of the Interstate
37 Medical Licensure Compact Commission established may be closed
38 if it has been determined by a two-thirds vote of commissioners
39 who are present that an open meeting would likely:

40 1. Relate solely to the internal personnel practices and
41 procedures of the commission;

42 2. Discuss matters specifically exempted from disclosure by
43 federal statute;

44 3. Discuss trade secrets or commercial or financial
45 information that is privileged or confidential;

46 4. Involve accusing a person of a crime, or formally
47 censuring a person;

48 5. Discuss information of a personal nature, if disclosure
49 would constitute a clearly unwarranted invasion of personal
50 privacy;

51 6. Discuss investigative records compiled for law
52 enforcement purposes; or

53 7. Relate specifically to participation in a civil action
54 or another legal proceeding.

55 (b) In keeping with the intent of the Interstate Medical
56 Licensure Compact, recordings, minutes, and records generated
57 during an exempt proceeding are exempt in accordance with s.
58 119.07(1) and s. 24(a), Art. I of the State Constitution.

585-03751-19

20197080c1

59 (3) This section is subject to the Open Government Sunset
60 Review Act in accordance with s. 119.15 and shall stand repealed
61 on October 2, 2024, unless reviewed and saved from repeal
62 through reenactment by the Legislature.

63 Section 2. (1) The Legislature finds that it is a public
64 necessity that a physician's personal identifying information,
65 other than the physician's name, licensure status, or licensure
66 number, obtained from the coordinated information system, as
67 defined in Section 5 of the Interstate Medical Licensure
68 Compact, as enacted in this state by s. 456.4501, Florida
69 Statutes, and held by the Department of Health and the
70 regulatory boards of the respective professions be exempt from
71 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the
72 State Constitution. Protection of such personal identifying
73 information is required under the Interstate Medical Licensure
74 Compact, which this state must adopt in order to become a member
75 state and a party to the compact. Without the public records
76 agreement, this state will be unable to effectively and
77 efficiently implement and administer the Interstate Medical
78 Licensure Compact.

79 (2) (a) The Legislature finds that it is a public necessity
80 that any meeting of the Interstate Medical Licensure Compact
81 Commission held as provided in that section in which matters
82 specifically exempted from disclosure by federal or state law
83 are discussed be made exempt from s. 286.011, Florida Statutes,
84 and s. 24(b), Article I of the State Constitution.

85 (b) The Interstate Medical Licensure Compact requires the
86 closure of any meeting, or any portion of a meeting, of the
87 Interstate Medical Licensure Compact Commission if two-thirds of

585-03751-19

20197080c1

88 the Commission members determine that certain sensitive and
89 confidential subject matters may arise during the meeting and
90 that the meeting should be closed to the public. In the absence
91 of a public meeting exemption, this state would be prohibited
92 from becoming a member state of the compact.

93 (3) The Legislature also finds that it is a public
94 necessity that the recordings, minutes, and records generated
95 during a meeting are exempt pursuant to s. 456.4502, Florida
96 Statutes, and s. 24, Article I of the State Constitution.
97 Release of such information would negate the value of the public
98 meeting exemption. As such, the Legislature finds that the
99 public records exemption is a public necessity.

100 Section 3. This act shall take effect on the same date that
101 SB 7078 or similar legislation takes effect, if such legislation
102 is adopted in the same legislative session or an extension
103 thereof and becomes a law.