

By Senator Harrell

25-01036-20

2020928__

1 A bill to be entitled
2 An act relating to public records and meetings;
3 creating s. 456.4503, 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 or portions of
10 certain meetings of the Interstate Medical Licensure
11 Compact Commission; providing an exemption from public
12 records requirements for recordings, minutes, and
13 records generated during the closed portions of such
14 meetings; providing for future legislative review and
15 repeal of the exemptions; providing a statement of
16 public necessity; providing a contingent effective
17 date.

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

20
21 Section 1. Section 456.4503, Florida Statutes, is created
22 to read:

23 456.4503 Interstate Medical Licensure Compact; public
24 records and meetings exemptions.—

25 (1) A physician's personal identifying information, other
26 than the physician's name, licensure status, or licensure
27 number, obtained from the coordinated information system, as
28 described in section 8 of s. 456.4501, and held by the
29 department, the Board of Medicine, or the Board of Osteopathic

25-01036-20

2020928__

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

36 (2) (a) A meeting or a portion of a meeting of the
37 Interstate Medical Licensure Compact Commission, established in
38 section 11 of s. 456.4501, is exempt from s. 286.011 and s.
39 24(b), Art. I of the State Constitution if the commission has
40 determined that an open meeting would be likely to:

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

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

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

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

49 5. Discuss information of a personal nature when disclosure
50 would constitute a clearly unwarranted invasion of personal
51 privacy;

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

54 7. Specifically relate to the participation in a civil
55 action or other legal proceeding.

56 (b) In keeping with the intent of the Interstate Medical
57 Licensure Compact, recordings, minutes, and records generated
58 during an exempt meeting or portion of such a meeting are exempt

25-01036-20

2020928__

59 from s. 119.07(1) and s. 24(a), Art. I of the State
60 Constitution.

61 (3) This section is subject to the Open Government Sunset
62 Review Act in accordance with s. 119.15 and shall stand repealed
63 on October 2, 2025, unless reviewed and saved from repeal
64 through reenactment by the Legislature.

65 Section 2. (1) The Legislature finds that it is a public
66 necessity that a physician's personal identifying information,
67 other than the physician's name, licensure status, or licensure
68 number, obtained from the coordinated information system, as
69 described in section 8 of s. 456.4501, Florida Statutes, and
70 held by the Department of Health, the Board of Medicine, or the
71 Board of Osteopathic Medicine, be made exempt from s. 119.07(1),
72 Florida Statutes, and s. 24(a), Article I of the State
73 Constitution. Protection of such information is required under
74 the Interstate Medical Licensure Compact, which the state must
75 adopt in order to become a member state of the compact. Without
76 the public records exemption, this state will be unable to
77 effectively and efficiently implement and administer the
78 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 s. 456.4501 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

25-01036-20

2020928__

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 that is exempt pursuant to s. 456.4503(2),
96 Florida Statutes, be made exempt from s. 119.07(1), Florida
97 Statutes, and s. 24(a), Article I of the State Constitution.
98 Release of such information would negate the public meeting
99 exemption. As such, the Legislature finds that the public
100 records exemption is a public necessity.

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