

A bill to be entitled
 An act relating to public records and meetings;
 creating s. 491.018, F.S.; providing an exemption from
 public records requirements for certain information
 held by the Department of Health or the Board of
 Clinical Social Work, Marriage and Family Therapy, and
 Mental Health Counseling pursuant to the Professional
 Counselors Licensure Compact; authorizing the
 disclosure of such information under certain
 circumstances; providing an exemption from public
 meetings requirements for certain meetings or portions
 of certain meetings of the Counseling Compact
 Commission or committees of the commission; providing
 an exemption from public records requirements for
 recordings, minutes, and records generated during the
 closed portions of such meetings; providing for future
 legislative review and repeal of the exemptions;
 providing statements of public necessity; providing a
 contingent effective date.

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

Section 1. Section 491.018, Florida Statutes, is created
 to read:

491.018 Professional Counselors Licensure Compact; public

26 records and meetings exemptions.-

27 (1) A counselor's personal identifying information, other
 28 than the counselor's name, licensure status, or licensure
 29 number, obtained from the data system, as described in article X
 30 of s. 491.017, and held by the department or the Board of
 31 Clinical Social Work, Marriage and Family Therapy, and Mental
 32 Health Counseling is exempt from s. 119.07(1) and s. 24(a), Art.
 33 I of the State Constitution unless the state that originally
 34 reported the information to the data system authorizes the
 35 disclosure of such information by law. If disclosure is so
 36 authorized, information may be disclosed only to the extent
 37 authorized by law by the reporting state.

38 (2)(a) A meeting or a portion of a meeting of the
 39 Counseling Compact Commission, established in article IX of s.
 40 491.017, or the executive committee or other committees of the
 41 commission, at which matters specifically exempted from
 42 disclosure by federal or state statute are discussed is exempt
 43 from s. 286.011 and s. 24(b), Art. I of the State Constitution.

44 (b) Recordings, minutes, and records generated during an
 45 exempt meeting are exempt from s. 119.07(1) and s. 24(a), Art. I
 46 of the State Constitution.

47 (3) This section is subject to the Open Government Sunset
 48 Review Act in accordance with s. 119.15 and shall stand repealed
 49 on October 2, 2027, unless reviewed and saved from repeal
 50 through reenactment by the Legislature.

51 Section 2. (1) The Legislature finds that it is a public
52 necessity that a counselor's personal identifying information,
53 other than the counselor's name, licensure status, or licensure
54 number, obtained from the data system, as described in article X
55 of s. 491.017, Florida Statutes, and held by the Department of
56 Health or the Board of Clinical Social Work, Marriage and Family
57 Therapy, and Mental Health Counseling be made exempt from s.
58 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State
59 Constitution. Protection of such information is required under
60 the Professional Counselors Licensure Compact, which the state
61 must adopt in order to become a member state of the compact.
62 Without the public records exemption, this state will be unable
63 to effectively and efficiently implement and administer the
64 compact.

65 (2)(a) The Legislature finds that it is a public necessity
66 that any meeting of the Counseling Compact Commission or the
67 executive committee or other committees of the commission held
68 as provided in article IX of s. 491.017, Florida Statutes, at
69 which matters specifically exempted from disclosure by federal
70 or state law are discussed be made exempt from s. 286.011,
71 Florida Statutes, and s. 24(b), Art. I of the State
72 Constitution.

73 (b) The Professional Counselors Licensure Compact requires
74 the closure of any meeting, or any portion of a meeting, in
75 which the substance of paragraph (a) is discussed to be closed

76 | to the public. In the absence of a public meeting exemption,
77 | this state would be prohibited from becoming a member state of
78 | the compact. Thus, this state will be unable to effectively and
79 | efficiently administer the compact.

80 | (3) The Legislature also finds that it is a public
81 | necessity that the recordings, minutes, and records generated
82 | during a meeting that is exempt pursuant to article IX of s.
83 | 491.017, Florida Statutes, be made exempt from s. 119.07(1),
84 | Florida Statutes, and s. 24(a), Art. I of the State
85 | Constitution. Release of such information would negate the
86 | public meetings exemption. As such, the Legislature finds that
87 | the public records exemption is a public necessity.

88 | Section 3. This act shall take effect on the same date
89 | that HB 1521 or similar legislation takes effect, if such
90 | legislation is adopted in the same legislative session or an
91 | extension thereof and becomes a law.