

ENROLLED

HB 1523

2022 Legislature

1  
 2 An act relating to public records and meetings;  
 3 creating s. 491.018, F.S.; providing an exemption from  
 4 public records requirements for certain information  
 5 held by the Department of Health or the Board of  
 6 Clinical Social Work, Marriage and Family Therapy, and  
 7 Mental Health Counseling pursuant to the Professional  
 8 Counselors Licensure Compact; authorizing the  
 9 disclosure of such information under certain  
 10 circumstances; providing an exemption from public  
 11 meetings requirements for certain meetings or portions  
 12 of certain meetings of the Counseling Compact  
 13 Commission or committees of the commission; providing  
 14 an exemption from public records requirements for  
 15 recordings, minutes, and records generated during the  
 16 closed portions of such meetings; providing for future  
 17 legislative review and repeal of the exemptions;  
 18 providing statements of public necessity; providing a  
 19 contingent effective date.

20  
 21 Be It Enacted by the Legislature of the State of Florida:

22  
 23 Section 1. Section 491.018, Florida Statutes, is created  
 24 to read:  
 25 491.018 Professional Counselors Licensure Compact; public

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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.

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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

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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.