

By the Committee on Governmental Oversight and Accountability;
and Senator Rodriguez

585-01997-22

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1 A bill to be entitled
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 its executive committee; providing an
14 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 to
24 read:

25 491.018 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

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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 of the commission is exempt
41 from s. 286.011 and s. 24(b), Art. I of the State Constitution
42 if the chair of the commission declares the specific reasons it
43 is necessary to close the meeting or a portion thereof in a
44 document that is a public record and held by the commission and
45 announces at a public meeting that, in connection with the
46 performance of the commission's duties, it is necessary that the
47 commission discuss:

48 1. Pending litigation to which the commission is presently
49 a party before a court or administrative agency in accordance
50 with s. 286.011(8).

51 2. Negotiation of contracts under competitive solicitation
52 as provided in s. 286.0113(2).

53 3. Disclosure of trade secrets or commercial or financial
54 information that is privileged or confidential.

55 4. Records made exempt under this section.

56 5. Matters specifically exempted from disclosure by federal
57 or member state law.

58 (b) In keeping with the intent of the Professional

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59 Counselors Licensure Compact, recordings, minutes, and records
60 generated during an exempt meeting or portion of such a meeting
61 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
62 Constitution.

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64 Review Act in accordance with s. 119.15 and shall stand repealed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

67 Section 2. (1) The Legislature finds that it is a public
68 necessity that a counselor's personal identifying information,
69 other than the counselor's name, licensure status, or licensure
70 number, obtained from the data system, as described in article X
71 of s. 491.017, Florida Statutes, and held by the Department of
72 Health or the Board of Clinical Social Work, Marriage and Family
73 Therapy, and Mental Health Counseling be made exempt from s.
74 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State
75 Constitution. Protection of such information is required under
76 the Professional Counselors Licensure Compact, which the state
77 must adopt in order to become a member state of the compact.
78 Without the public records exemption, this state will be unable
79 to effectively and efficiently implement and administer the
80 compact.

81 (2) (a) The Legislature finds that it is a public necessity
82 that any meeting of the Counseling Compact Commission or the
83 executive committee or other committees of the commission held
84 as provided in article IX of s. 491.017, Florida Statutes, in
85 which matters specifically exempted from disclosure by federal
86 or state law are discussed be made exempt from s. 286.011,
87 Florida Statutes, and s. 24(b), Art. I of the State

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88 Constitution.

89 (b) The Professional Counselors Licensure Compact requires
90 the closure of any meeting, or any portion of a meeting, of the
91 Counseling Compact Commission or the executive committee or
92 other committees of the commission if the commission's legal
93 counsel or designee has certified that the meeting may be closed
94 because the commission or executive committee or other
95 committees of the commission must discuss certain sensitive and
96 confidential subject matters. In the absence of a public meeting
97 exemption, this state would be prohibited from becoming a member
98 state of the compact.

99 (3) The Legislature also finds that it is a public
100 necessity that the recordings, minutes, and records generated
101 during a meeting that is exempt pursuant to article IX of s.
102 491.017, Florida Statutes, be made exempt from s. 119.07(1),
103 Florida Statutes, and s. 24(a), Art. I of the State
104 Constitution. Release of such information would negate the
105 public meetings exemption. As such, the Legislature finds that
106 the public records exemption is a public necessity.

107 Section 3. This act shall take effect on the same date that
108 SB 358 or similar legislation takes effect, if such legislation
109 is adopted in the same legislative session or an extension
110 thereof and becomes a law.