

By Senator Harrell

31-00336-23

2023158__

1 A bill to be entitled
2 An act relating to public records and meetings;
3 creating s. 486.113, 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 Physical Therapy pursuant to the Physical Therapy
7 Licensure Compact; authorizing disclosure of exempt
8 information under certain circumstances; providing an
9 exemption from public meeting requirements for certain
10 meetings of the Physical Therapy Compact Commission
11 and the executive board and other committees of the
12 commission; providing an exemption from public records
13 requirements for recordings, minutes, and records
14 generated during the closed portion of such meetings;
15 providing for future legislative review and repeal of
16 the exemptions; providing a statement of public
17 necessity; providing a contingent effective date.

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

20
21 Section 1. Section 486.113, Florida Statutes, is created to
22 read:

23 486.113 Physical Therapy Licensure Compact; public records
24 and meetings exemptions.—

25 (1) A physical therapist's personal identifying
26 information, other than the physical therapist's name, licensure
27 status, or license number, obtained from the coordinated
28 database and reporting system, as described in article VIII of
29 s. 486.112, and held by the department or the board is exempt

31-00336-23

2023158__

30 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
31 unless the state that originally reported the information to the
32 coordinated licensure information system authorizes the
33 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 Physical
37 Therapy Compact Commission or the executive board or other
38 committees of the commission established in article VII of s.
39 486.112, is exempt from s. 286.011 and s. 24(b), Art. I of the
40 State Constitution if the commission or the executive board or
41 other committee of the commission must discuss any of the
42 following:

43 1. Noncompliance of a member state with its obligations
44 under the compact.

45 2. The employment, compensation, or discipline of, or other
46 matters, practices, or procedures related to, specific employees
47 or other matters related to the commission's internal personnel
48 practices and procedures.

49 3. Current, threatened, or reasonably anticipated
50 litigation against the commission, executive board, or other
51 committees of the commission.

52 4. Negotiation of contracts for the purchase, lease, or
53 sale of goods, services, or real estate.

54 5. An accusation of any person of a crime or a formal
55 censure of any person.

56 6. Information disclosing trade secrets or commercial or
57 financial information that is privileged or confidential.

58 7. Information of a personal nature when disclosure would

31-00336-23

2023158__

59 constitute a clearly unwarranted invasion of personal privacy.

60 8. Investigatory records compiled for law enforcement
61 purposes.

62 9. Information related to any investigative reports
63 prepared by or on behalf of or for the use of the commission or
64 other committee charged with responsibility for investigation or
65 determination of compliance issues pursuant to the compact.

66 10. Matters specifically exempted from disclosure by
67 federal or member state statute.

68 (b) In keeping with the intent of the Physical Therapy
69 Licensure Compact, recordings, minutes, and records generated
70 during an exempt commission meeting or a portion of such a
71 meeting are exempt from s. 119.07(1) and s. 24(a), Art. I of the
72 State Constitution.

73 (3) This section is subject to the Open Government Sunset
74 Review Act in accordance with s. 119.15 and shall stand repealed
75 on October 2, 2028, unless reviewed and saved from repeal
76 through reenactment by the Legislature.

77 Section 2. (1) The Legislature finds that it is a public
78 necessity that a physical therapist's personal identifying
79 information, other than the physical therapist's name, licensure
80 status, or license number, obtained from the coordinated
81 database and reporting system, as described in article VIII of
82 s. 486.112, Florida Statutes, and held by the Department of
83 Health or the Board of Physical Therapy, be made exempt from s.
84 119.07(1), Florida Statutes, and s. 24(a), Article I of the
85 State Constitution. Protection of such information is required
86 under the Physical Therapy Licensure Compact, which the state
87 must adopt in order to become a member state of the compact.

31-00336-23

2023158__

88 Without the public records exemption, this state will be unable
89 to effectively and efficiently implement and administer the
90 compact.

91 (2) (a) The Legislature finds that it is a public necessity
92 that any meeting of the Physical Therapy Compact Commission or
93 the executive board or other committee of the commission held as
94 provided in article VII of s. 486.112, Florida Statutes, in
95 which matters specifically exempted from disclosure by federal
96 or state law are discussed be made exempt from s. 286.011,
97 Florida Statutes, and s. 24(b), Article I of the State
98 Constitution.

99 (b) The Physical Therapy Licensure Compact requires the
100 closing of any meeting, or any portion of a meeting, of the
101 Physical Therapy Compact Commission or the executive board or
102 other committee of the commission if they are discussing certain
103 sensitive and confidential subjects. In the absence of a public
104 meeting exemption, this state would be prohibited from becoming
105 a member state of the compact.

106 (3) The Legislature also finds that it is a public
107 necessity that the recordings, minutes, and records generated
108 during a meeting that is exempt pursuant to s. 486.113(2),
109 Florida Statutes, be made exempt from s. 119.07(1), Florida
110 Statutes, and s. 24(a), Article I of the State Constitution.
111 Release of such information would negate the public meeting
112 exemption. As such, the Legislature finds that the public
113 records exemption is a public necessity.

114 Section 3. This act shall take effect on the same date that
115 SB ___ or similar legislation takes effect, if such legislation
116 is adopted in the same legislative session or an extension

31-00336-23

2023158__

117

thereof and becomes a law.