

By the Committee on Health Policy; and Senator Harrell

588-03473-23

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1 A bill to be entitled
2 An act relating to public records and meetings;
3 creating s. 490.0076, F.S.; providing an exemption
4 from public records requirements for certain
5 information held by the Department of Health or the
6 Board of Psychology pursuant to the Psychology
7 Interjurisdictional Compact; authorizing disclosure of
8 exempt information under certain circumstances;
9 providing an exemption from public meeting
10 requirements for certain meetings of the Psychology
11 Interjurisdictional Compact Commission; providing an
12 exemption from public records requirements for
13 recordings, minutes, and records generated during the
14 closed portion of such meetings; providing for future
15 legislative review and repeal of the exemptions;
16 providing a statement of public necessity; providing a
17 contingent effective date.

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

20
21 Section 1. Section 490.0076, Florida Statutes, is created
22 to read:

23 490.0076 Psychology Interjurisdictional Compact; public
24 records and meetings exemptions.—

25 (1) A psychologist's personal identifying information,
26 other than the psychologist's name, licensure status, or license
27 number, obtained from the coordinated licensure information
28 system, as described in article IX of s. 490.0075, and held by
29 the department or the board is exempt from s. 119.07(1) and s.

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

36 (2) (a) A meeting or a portion of a meeting of the
37 Psychology Interjurisdictional Compact Commission, established
38 in article X of s. 490.0075, is exempt from s. 286.011 and s.
39 24(b), Art. I of the State Constitution if the commission must
40 discuss:

41 1. Noncompliance of a compact state with its obligations
42 under the compact;

43 2. Employment, compensation, or discipline of, or other
44 personnel matters, practices, or procedures related to, specific
45 employees or other matters related to the commission's internal
46 personnel practices and procedures;

47 3. Current, threatened, or reasonably anticipated
48 litigation against the commission;

49 4. Negotiation of contracts for the purchase or sale of
50 goods, services, or real estate;

51 5. An accusation of any person of a crime or a formal
52 censure of any person;

53 6. Information disclosing trade secrets or commercial or
54 financial information that is privileged or confidential;

55 7. Information of a personal nature when disclosure would
56 constitute a clearly unwarranted invasion of personal privacy;

57 8. Investigatory records compiled for law enforcement
58 purposes;

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59 9. Information related to any investigatory reports
60 prepared by or on behalf of or for use of the commission or
61 another committee charged with responsibility for investigation
62 or determination of compliance issues pursuant to the compact;
63 or

64 10. Matters specifically exempted from disclosure by
65 federal or state statute.

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

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

75 Section 2. (1) The Legislature finds that it is a public
76 necessity that a psychologist's personal identifying
77 information, other than the psychologist's name, licensure
78 status, or license number, obtained from the coordinated
79 licensure information system, as described in article IX of s.
80 490.0075, Florida Statutes, and held by the Department of Health
81 or the Board of Psychology, be made exempt from s. 119.07(1),
82 Florida Statutes, and s. 24(a), Article I of the State
83 Constitution. Protection of such information is required under
84 the Psychology Interjurisdictional Compact, which the state must
85 adopt in order to become a member state of the compact. Without
86 the public records exemption, this state will be unable to
87 effectively and efficiently implement and administer the

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88 compact.

89 (2)(a) The Legislature finds that it is a public necessity
90 that any meeting of the Psychology Interjurisdictional Compact
91 Commission held as provided in article X of s. 490.0075, Florida
92 Statutes, in which matters specifically exempted from disclosure
93 by federal or state law are discussed be made exempt from s.
94 286.011, Florida Statutes, and s. 24(b), Article I of the State
95 Constitution.

96 (b) The Psychology Interjurisdictional Compact requires the
97 closing of any meeting, or any portion of a meeting, of the
98 Psychology Interjurisdictional Compact Commission if the
99 commission is discussing certain sensitive and confidential
100 subjects or if a majority of the commission members vote to
101 close a meeting to the public in whole or in part. In the
102 absence of a public meeting exemption, this state would be
103 prohibited from becoming a member state of the compact.

104 (3) The Legislature also finds that it is a public
105 necessity that the recordings, minutes, and records generated
106 during a meeting that is exempt pursuant to s. 490.0076(2),
107 Florida Statutes, be made exempt from s. 119.07(1), Florida
108 Statutes, and s. 24(a), Article I of the State Constitution.
109 Release of such information would negate the public meeting
110 exemption. As such, the Legislature finds that the public
111 records exemption is a public necessity.

112 Section 3. This act shall take effect on the same date that
113 SB 56 or similar legislation takes effect, if such legislation
114 is adopted in the same legislative session or an extension
115 thereof and becomes a law.