

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

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1 Committee/Subcommittee hearing bill: Health & Human Services  
2 Committee

3 Representative Hunschofsky offered the following:

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 491.023, Florida Statutes, is created  
8 to read:

9 491.023 Social Work Licensure Interstate Compact; public  
10 records and meetings exemptions.-

11 (1) A social worker's personal identifying information,  
12 other than the social worker's name, licensure status, or  
13 licensure number, obtained from the data system, as described in  
14 Article XI of s. 491.022, and held by the department or the  
15 Board of Clinical Social Work, Marriage and Family Therapy, and  
16 Mental Health Counseling is exempt from s. 119.07(1) and s.

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17 24(a), Art. I of the State Constitution unless the state that  
18 originally reported the information to the data system  
19 authorizes the disclosure of such information by law. If  
20 disclosure is so authorized, information may be disclosed only  
21 to the extent authorized by the law of the reporting state.

22 (2)(a) A meeting or a portion of a meeting of the Social  
23 Work Licensure Interstate Compact Commission or the executive  
24 committee or other committee of the commission held as provided  
25 in s. 491.022 is exempt from s. 286.011 and s. 24(b), Art. I of  
26 the State Constitution if the commission or committee needs to  
27 receive legal advice or discuss any of the following:

28 1. Noncompliance of a member state with its obligations  
29 under the compact.

30 2. The employment, compensation, discipline of, or other  
31 matters, practices, or procedures related to, specific  
32 employees.

33 3. Current or threatened discipline of a licensee by the  
34 commission or by a member state's licensing authority.

35 4. Current, threatened, or reasonably anticipated  
36 litigation.

37 5. Negotiation of contracts for the purchase, lease, or  
38 sale of goods, services, or real estate.

39 6. Accusing any person of a crime or formally censuring  
40 any person.

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41 7. Trade secrets or commercial or financial information  
42 that is privileged or confidential.

43 8. Information of a personal nature when disclosure would  
44 constitute a clearly unwarranted invasion of personal privacy.

45 9. Investigative records compiled for law enforcement  
46 purposes.

47 10. Information related to any investigative reports  
48 prepared by, or on behalf of or for the use of, the commission  
49 or other committee charged with responsibility of investigation  
50 or determination of compliance issues pursuant to the compact.

51 11. Matters specifically exempted from disclosure by  
52 federal or member state law.

53 12. Other matters as adopted by commission rule.

54 (b) The presiding officer of the meeting shall state that  
55 the meeting will be closed and reference each relevant exempting  
56 provision, which must be recorded in the meeting minutes.

57 (c) In keeping with the intent of the Social Work  
58 Licensure Interstate Compact, recordings, minutes, and records  
59 generated during an exempt meeting or portion of such a meeting  
60 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
61 Constitution.

62 (3) This section is subject to the Open Government Sunset  
63 Review Act in accordance with s. 119.15 and shall stand repealed  
64 on October 2, 2029, unless reviewed and saved from repeal  
65 through reenactment by the Legislature.

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66           Section 2. (1) The Legislature finds that it is a public  
67 necessity that a social worker's personal identifying  
68 information, other than the social worker's name, licensure  
69 status, or licensure number, obtained from the data system, as  
70 described in Article XI of s. 491.022, Florida Statutes, and  
71 held by the Department of Health or the Board of Clinical Social  
72 Work, Marriage and Family Therapy, and Mental Health Counseling  
73 be made exempt from s. 119.07(1), Florida Statutes, and s.  
74 24(a), Article I of the State Constitution. Protection of such  
75 information is required under the Social Work Licensure  
76 Interstate Compact, which a state must adopt in order to become  
77 a member state of the compact. Without the public records  
78 exemption, this state will be unable to effectively implement  
79 and administer the compact.

80           (2)(a) The Legislature finds that it is a public necessity  
81 that any meeting of the Social Work Licensure Interstate Compact  
82 Commission or the executive committee or other committee of the  
83 commission held as provided in s. 491.022, Florida Statutes, in  
84 which matters specifically exempted from disclosure by federal  
85 or state law are discussed be made exempt from s. 286.011,  
86 Florida Statutes, and s. 24(b), Article I of the State  
87 Constitution.

88           (b) The Social Work Licensure Interstate Compact requires  
89 the closure of any meeting, or any portion of a meeting, of the  
90 Social Work Licensure Interstate Compact Commission or the

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91 executive committee or other committee of the commission if the  
92 presiding officer announces in a public meeting that, in  
93 connection with the performance of the commission's duties, the  
94 commission must discuss certain sensitive and confidential  
95 subject matters. In the absence of a public meeting exemption,  
96 this state would be prohibited from becoming a member state of  
97 the compact.

98 (3) The Legislature also finds that it is a public  
99 necessity that the recordings, minutes, and records generated  
100 during a meeting held as provided in s. 491.022 that is exempt  
101 from public meeting requirements be made exempt from s.  
102 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
103 State Constitution. Release of such information would negate the  
104 public meetings exemption. As such, the Legislature finds that  
105 the public records exemption is a public necessity.

106 Section 3. This act shall take effect on the same date  
107 that HB 99 or similar legislation takes effect, if such  
108 legislation is adopted in the same legislative session or an  
109 extension thereof and becomes a law.

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112 **T I T L E A M E N D M E N T**

113 Remove everything before the enacting clause and insert:  
114 An act relating to public records and meetings; creating s.  
115 491.023, F.S.; providing an exemption from public records

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116 requirements for certain information held by the Department of  
117 Health or the Board of Clinical Social Work, Marriage and Family  
118 Therapy, and Mental Health Counseling pursuant to the Social  
119 Work Licensure Interstate Compact; authorizing the disclosure of  
120 such information under certain circumstances; providing an  
121 exemption from public meetings requirements for certain meetings  
122 or portions of certain meetings of the Social Work Licensure  
123 Interstate Compact Commission or its executive committee or  
124 other committees; providing an exemption from public records  
125 requirements for recordings, minutes, and records generated  
126 during the closed portions of such meetings; providing for  
127 future legislative review and repeal of the exemptions;  
128 providing statements of public necessity; providing a contingent  
129 effective date.