

By Senator Rodriguez

40-00311-24

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1 A bill to be entitled
2 An act relating to public records and meetings;
3 creating s. 491.0195, 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 Clinical Social Work, Marriage and Family
7 Therapy, and Mental Health Counseling pursuant to the
8 Social Work 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 Social Work Licensure
13 Compact Commission or its executive committee or other
14 committees; providing an exemption from public records
15 requirements for recordings, minutes, and records
16 generated during the closed portions of such meetings;
17 providing for future legislative review and repeal of
18 the exemptions; providing statements of public
19 necessity; providing a contingent effective date.

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

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23 Section 1. Section 491.0195, Florida Statutes, is created
24 to read:

25 491.0195 Social Work Licensure Compact; public records and
26 meetings exemptions.-

27 (1) A social worker's personal identifying information,
28 other than the social worker's name, licensure status, or
29 licensure number, obtained from the data system, as described in

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30 s. 491.019(11), 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 the law of the reporting state.

38 (2) (a) A meeting or a portion of a meeting of the Social
39 Work Licensure Compact Commission, established in s.
40 491.019(10), or the executive committee or other committee of
41 the commission is exempt from s. 286.011 and s. 24(b), Art. I of
42 the State Constitution if the commission or committee needs to
43 receive legal advice or discuss any of the following:

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

46 2. The employment, compensation, discipline of, or other
47 matters, practices, or procedures related to, specific
48 employees.

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

51 4. Current, threatened, or reasonably anticipated
52 litigation.

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

55 6. Accusing any person of a crime or formally censuring any
56 person.

57 7. Trade secrets or commercial or financial information
58 that is privileged or confidential.

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59 8. Information of a personal nature when disclosure would
60 constitute a clearly unwarranted invasion of personal privacy.

61 9. Investigative records compiled for law enforcement
62 purposes.

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

67 11. Matters specifically exempted from disclosure by
68 federal or member state law.

69 12. Other matters as adopted by commission rule.

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

73 (c) In keeping with the intent of the Social Work Licensure
74 Compact, recordings, minutes, and records generated during an
75 exempt meeting or portion of such a meeting are exempt from s.
76 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

81 Section 2. (1) The Legislature finds that it is a public
82 necessity that a social worker's personal identifying
83 information, other than the social worker's name, licensure
84 status, or licensure number, obtained from the data system, as
85 described in s. 491.019(11), Florida Statutes, and held by the
86 Department of Health or the Board of Clinical Social Work,
87 Marriage and Family Therapy, and Mental Health Counseling be

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88 made exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
89 Article I of the State Constitution. Protection of such
90 information is required under the Social Work Licensure Compact,
91 which a state must adopt in order to become a member state of
92 the compact. Without the public records exemption, this state
93 will be unable to effectively implement and administer the
94 compact.

95 (2) (a) The Legislature finds that it is a public necessity
96 that any meeting of the Social Work Licensure Compact Commission
97 or the executive committee or other committee of the commission
98 held as provided in s. 491.019(10), Florida Statutes, in which
99 matters specifically exempted from disclosure by federal or
100 state law are discussed be made exempt from s. 286.011, Florida
101 Statutes, and s. 24(b), Article I of the State Constitution.

102 (b) The Social Work Licensure Compact requires the closure
103 of any meeting, or any portion of a meeting, of the Social Work
104 Licensure Compact Commission or the executive committee or other
105 committee of the commission if the presiding officer announces
106 in a public meeting that, in connection with the performance of
107 the commission's duties, the commission must discuss certain
108 sensitive and confidential subject matters. In the absence of a
109 public meeting exemption, this state would be prohibited from
110 becoming a member state of the compact.

111 (3) The Legislature also finds that it is a public
112 necessity that the recordings, minutes, and records generated
113 during a meeting that is exempt pursuant to s. 491.019(10),
114 Florida Statutes, be made exempt from s. 119.07(1), Florida
115 Statutes, and s. 24(a), Article I of the State Constitution.
116 Release of such information would negate the public meetings

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117 exemption. As such, the Legislature finds that the public
118 records exemption is a public necessity.

119 Section 3. This act shall take effect on the same date that
120 SB ___ or similar legislation takes effect, if such legislation
121 is adopted in the same legislative session or an extension
122 thereof and becomes a law.