

CS/HB 7041

2024

1 A bill to be entitled
2 An act relating to public records and meetings
3 exemptions; creating ss. 456.4503, 468.1336, and
4 486.113, F.S.; providing an exemption from public
5 records requirements for certain information held by
6 the Department of Health, the Board of Speech-Language
7 Pathology and Audiology, and the Board of Physical
8 Therapy Practice pursuant to the Interstate Medical
9 Licensure Compact, the Audiology and Speech-language
10 Pathology Interstate Compact, and the Physical Therapy
11 Licensure Compact; authorizing disclosure of the
12 information under certain circumstances; providing an
13 exemption from public meetings requirements for
14 certain meetings of the Interstate Medical Licensure
15 Compact Commission, the Audiology and Speech-language
16 Pathology Interstate Compact Commission, and the
17 Physical Therapy Licensure Compact Commission;
18 providing an exemption from public records
19 requirements for recordings, minutes, and records
20 generated during the closed portion of such meetings;
21 providing for future legislative review and repeal of
22 the exemptions; providing a statement of public
23 necessity; providing contingent effective dates.

24
25 Be It Enacted by the Legislature of the State of Florida:

Page 1 of 7

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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Section 1. Section 456.4503, Florida Statutes, is created to read:

456.4503 Interstate Medical Licensure Compact Commission; public records and meetings exemptions.-

(1) A physician's personal identifying information, other than the physician's name, licensure status, or licensure number, obtained from the coordinated database and reporting system described in Section 8 of s. 456.4501 and held by the department is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution unless the state that originally reported the information to the coordinated database and reporting system authorizes the disclosure of such information by law. If disclosure is so authorized, information may be disclosed only to the extent authorized by law by the reporting state.

(2)(a) A meeting or a portion of a meeting of the Interstate Medical Licensure Compact Commission established in Section 11 of s. 456.4501 at which matters specifically exempted from disclosure by federal or state law are discussed is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

(b) Recordings, minutes, and records generated during an exempt meeting or portion of such a meeting are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(3) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed

51 on October 2, 2029, unless reviewed and saved from repeal
52 through reenactment by the Legislature.

53 Section 2. Section 468.1336, Florida Statutes, is created
54 to read:

55 468.1336 Audiology and Speech-language Pathology
56 Interstate Compact Commission; public meetings and public
57 records exemptions.—

58 (1) An audiologist's or a speech-language pathologist's
59 personal identifying information, other than the audiologist's
60 or the speech-language pathologist's name, licensure status, or
61 licensure number, obtained from the coordinated database and
62 reporting system described in article IX of s. 468.1335 and held
63 by the department or the board is exempt from s. 119.07(1) and
64 s. 24(a), Art. I of the State Constitution unless the state that
65 originally reported the information to the coordinated database
66 and reporting system authorizes the disclosure of such
67 information by law. If disclosure is so authorized, information
68 may be disclosed only to the extent authorized by law by the
69 reporting state.

70 (2)(a) A meeting or a portion of a meeting of the
71 Audiology and Speech-language Pathology Interstate Compact
72 Commission established in article VIII of s. 468.1335 at which
73 matters specifically exempted from disclosure by federal or
74 state law are discussed is exempt from s. 286.011 and s. 24(b),
75 Art. I of the State Constitution.

76 (b) Recordings, minutes, and records generated during an
 77 exempt meeting or portion of such a meeting are exempt from s.
 78 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

83 Section 3. Section 486.113, Florida Statutes, is created
 84 to read:

85 486.113 Physical Therapy Licensure Compact Commission;
 86 public records and meetings exemptions.-

87 (1) A physical therapist's or physical therapist
 88 assistant's personal identifying information, other than the
 89 physical therapist's or physical therapist assistant's name,
 90 licensure status, or licensure number, obtained from the
 91 coordinated database and reporting system described in article
 92 VIII of s. 486.112 and held by the department or the board is
 93 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 94 Constitution unless the state that originally reported the
 95 information to the coordinated database and reporting system
 96 authorizes the disclosure of such information by law. If
 97 disclosure is so authorized, information may be disclosed only
 98 to the extent authorized by law by the reporting state.

99 (2)(a) A meeting or a portion of a meeting of the Physical
 100 Therapy Compact Commission or the executive board or any other

101 committee of the commission established in article VII of s.
 102 486.112 at which matters specifically exempted from disclosure
 103 by federal or state law are discussed is exempt from s. 286.011
 104 and s. 24(b), Art. I of the State Constitution.

105 (b) Recordings, minutes, and records generated during an
 106 exempt meeting or portion of such a meeting are exempt from s.
 107 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

112 Section 4. (1) The Legislature finds that it is a public
 113 necessity that a physician's, an audiologist's or a speech-
 114 language pathologist's, and a physical therapist's or physical
 115 therapist assistant's personal identifying information, other
 116 than the person's name, licensure status, or licensure number,
 117 obtained from the coordinated database and reporting system
 118 described in Section 8 of s. 456.4501, Florida Statutes, article
 119 IX of s. 468.1335, Florida Statutes, and article VIII of s.
 120 486.112, Florida Statutes, and held by the Department of Health,
 121 the Board of Speech-Language Pathology and Audiology, and the
 122 Board of Physical Therapy Practice be made exempt from s.
 123 119.07(1), Florida Statutes, and s. 24(a), Article I of the
 124 State Constitution. Protection of such information is required
 125 under the Interstate Medical Licensure Compact, the Audiology

126 and Speech-language Pathology Interstate Compact, and the
127 Physical Therapy Licensure Compact, each of which the state must
128 adopt in order to become a member state of the respective
129 compact. Without the public records exemption, the state would
130 be unable to effectively and efficiently implement and
131 administer the respective compact.

132 (2)(a) The Legislature finds that it is a public necessity
133 that any meeting of the Interstate Medical Licensure Compact
134 Commission, the Audiology and Speech-language Pathology
135 Interstate Compact Commission, or the Physical Therapy Licensure
136 Compact Commission held as provided in s. 456.4501, Florida
137 Statutes, s. 468.1335, Florida Statutes, or s. 486.112, Florida
138 Statutes, in which matters specifically exempted from disclosure
139 by federal or state law are discussed be made exempt from s.
140 286.011, Florida Statutes, and s. 24(b), Article I of the State
141 Constitution.

142 (b) The Interstate Medical Licensure Compact, the
143 Audiology and Speech-language Pathology Interstate Compact, and
144 the Physical Therapy Licensure Compact require any meeting, or
145 any portion of a meeting, of the Interstate Medical Licensure
146 Compact Commission, the Audiology and Speech-language Pathology
147 Interstate Compact Commission, and the Physical Therapy
148 Licensure Compact Commission in which the substance of paragraph
149 (a) is discussed to be closed to the public. In the absence of a
150 public meetings exemption, the state would be prohibited from

151 becoming a member state of the respective compact and, thus,
152 prohibited from effectively and efficiently administering the
153 respective compact.

154 (3) The Legislature also finds that it is a public
155 necessity that the recordings, minutes, and records generated
156 during a meeting that is exempt pursuant to s. 456.4503(2),
157 Florida Statutes, s. 468.1336(2), Florida Statutes, or s.
158 486.113(2), Florida Statutes, be made exempt from s. 119.07(1),
159 Florida Statutes, and s. 24(a), Article I of the State
160 Constitution. Release of such information would negate the
161 public meetings exemption. As such, the Legislature finds that
162 the public records exemption is a public necessity.

163 Section 5. This act shall take effect on the same date
164 that HB 1549 or similar legislation takes effect, if such
165 legislation is adopted in the same legislative session or an
166 extension thereof and becomes a law.