

By Senator Calatayud

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1 A bill to be entitled
2 An act relating to public records and meetings;
3 creating s. 468.2265, 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 Occupational Therapy pursuant to the
7 Occupational Therapy Licensure Compact; authorizing
8 disclosure of the information under certain
9 circumstances; providing an exemption from public
10 meetings requirements for certain meetings, or
11 portions of meetings, of the Occupational Therapy
12 Compact Commission; providing an exemption from public
13 records requirements for recordings, minutes, and
14 records generated during the exempt meetings or exempt
15 portions of meetings; providing for future legislative
16 review and repeal of the exemption; providing
17 statements of public necessity; providing a contingent
18 effective date.

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

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22 Section 1. Section 468.2265, Florida Statutes, is created
23 to read:

24 468.2265 Occupational Therapy Compact Commission; public
25 records and meetings exemptions.-

26 (1) An occupational therapist's or occupational therapy
27 assistant's personal identifying information, other than the
28 person's name, licensure status, or licensure number, obtained
29 from the coordinated database and reporting system described in

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30 Article VIII of s. 468.226 and held by the department or the
31 board is exempt from s. 119.07(1) and s. 24(a), Art. I of the
32 State Constitution unless the state that originally reported the
33 information to the coordinated database and reporting system
34 authorizes the disclosure of such information by law. If
35 disclosure is so authorized, information may be disclosed only
36 to the extent authorized by law by the reporting state.

37 (2) (a) A meeting or a portion of a meeting of the
38 Occupational Therapy Compact Commission or the executive board
39 or any other committee of the commission established in Article
40 VII of s. 468.226 at which matters concerning any of the
41 following are discussed is exempt from s. 286.011 and s. 24(b),
42 Art. I of the State Constitution:

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

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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 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) Recordings, minutes, and records generated during an
69 exempt meeting or an exempt portion of a meeting are exempt from
70 s. 119.07(1) and s. 24(a), Art. I 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, 2030, 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 any occupational therapist's or occupational
77 therapy assistant's personal identifying information, other than
78 the person's name, licensure status, or licensure number,
79 obtained from the coordinated database and reporting system
80 described in Article VIII of s. 468.226, Florida Statutes, and
81 held by the Department of Health or Board of Occupational
82 Therapy be made exempt from s. 119.07(1), Florida Statutes, and
83 s. 24(a), Article I of the State Constitution. Protection of
84 such information is required under the Occupational Therapy
85 Licensure Compact, which must be adopted by the Legislature in
86 order for this state to become a member state of the compact.
87 Without the public records exemption, this state would be unable

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88 to effectively and efficiently implement and administer the
89 compact.

90 (2) (a) The Legislature finds that it is a public necessity
91 that any meeting or portion of a meeting of the Occupational
92 Therapy Compact Commission held as provided in Article VII of s.
93 468.226, Florida Statutes, in which matters specifically
94 exempted from disclosure by federal or state law are discussed
95 be made exempt from s. 286.011, Florida Statutes, and s. 24(b),
96 Article I of the State Constitution.

97 (b) The Occupational Therapy Licensure Compact requires
98 that any meeting or portion of a meeting of the Occupational
99 Therapy Compact Commission in which the matters specified in
100 paragraph (a) are discussed be closed to the public. In the
101 absence of a public meetings exemption, the state would be
102 prohibited from becoming a member state of the compact and,
103 thus, prohibited from effectively and efficiently administering
104 the compact.

105 (3) The Legislature also finds that it is a public
106 necessity that the recordings, minutes, and records generated
107 during a meeting or a portion of a meeting exempt pursuant to s.
108 468.2265(2), Florida Statutes, as created by this act, be made
109 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
110 Article I of the State Constitution. Release of such information
111 would negate the public meetings exemption. As such, the
112 Legislature finds that the public records exemption is a public
113 necessity.

114 Section 3. This act shall take effect on the same date that
115 SB 1010 or similar legislation takes effect, if such legislation
116 is adopted in the same legislative session or an extension

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thereof and becomes a law.