

1 A bill to be entitled
2 An act relating to public records and meetings;
3 creating s. 491.023, F.S.; providing an exemption from
4 public records requirements for certain information
5 held by the Department of Health or the Board of
6 Clinical Social Work, Marriage and Family Therapy, and
7 Mental Health Counseling pursuant to the Social Work
8 Licensure Interstate 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 Interstate Compact Commission or its executive
14 committee or other committees; providing an exemption
15 from public records requirements for recordings,
16 minutes, and records generated during the exempt
17 meetings or portions of such meetings; providing for
18 future legislative review and repeal of the
19 exemptions; providing statements of public necessity;
20 providing a contingent effective date.

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

23
24 **Section 1. Section 491.023, Florida Statutes, is created**
25 **to read:**

26 491.023 Social Work Licensure Interstate Compact; public
 27 records and meetings exemptions.—

28 (1) A social worker's personal identifying information,
 29 other than the social worker's name, licensure status, or
 30 licensure number, obtained from the data system, as described in
 31 Art. XI of s. 491.022, and held by the department or the board
 32 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 33 Constitution unless the state that originally reported the
 34 information to the data system authorizes the disclosure of such
 35 information by law. If disclosure is so authorized, such
 36 information may be disclosed only to the extent authorized by
 37 the law of the reporting state.

38 (2) (a) A meeting or a portion of a meeting of the Social
 39 Work Licensure Interstate Compact Commission or the executive
 40 committee or other committee of the commission held as provided
 41 in s. 491.022 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 employees.
- 48 3. Current or threatened discipline of a licensee by the
 49 commission or by a member state's licensing authority.
- 50 4. Current, threatened, or reasonably anticipated

51 litigation.

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

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

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

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

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

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

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

68 12. Other matters as adopted by commission rule.

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

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

76 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, 2030, 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 Article XI of s. 491.022, Florida Statutes, and
86 held by the Department of Health or the Board of Clinical Social
87 Work, Marriage and Family Therapy, and Mental Health Counseling
88 be made exempt from s. 119.07(1), Florida Statutes, and s.
89 24(a), Article I of the State Constitution. Protection of such
90 information is required under the Social Work Licensure
91 Interstate Compact, which a state must adopt in order to become
92 a member state of the compact. Without the public records
93 exemption, this state will be unable to effectively implement
94 and administer the compact.

95 (2)(a) The Legislature finds that it is a public necessity
96 that any meeting of the Social Work Licensure Interstate Compact
97 Commission or the executive committee or other committee of the
98 commission held as provided in s. 491.022, Florida Statutes, in
99 which matters specifically exempted from disclosure by federal
100 or state law are discussed be made exempt from s. 286.011,

101 Florida Statutes, and s. 24(b), Article I of the State
102 Constitution.

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

113 (3) The Legislature also finds that it is a public
114 necessity that the recordings, minutes, and records generated
115 during a meeting held as provided in s. 491.022, Florida
116 Statutes, that is exempt from public meetings requirements be
117 made exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
118 Article I of the State Constitution. Release of such information
119 would negate the public meetings exemption. As such, the
120 Legislature finds that the public records exemption is a public
121 necessity.

122 **Section 3.** This act shall take effect on the same date
123 that HB 27 or similar legislation takes effect, if such
124 legislation is adopted in the same legislative session or an
125 extension thereof and becomes a law.