

By Senator Harrell

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1 A bill to be entitled
2 An act relating to public records and meetings;
3 creating s. 490.017, F.S.; providing an exemption from
4 public meetings requirements for certain portions of
5 meetings of the Interstate Compact for School
6 Psychologists Commission and its executive committee;
7 providing an exemption from public records
8 requirements for recordings, minutes, and records
9 generated during exempt portions of such meetings;
10 providing for future legislative review and repeal of
11 the exemptions; providing statements of public
12 necessity; providing a contingent effective date.

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

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16 Section 1. Section 490.017, Florida Statutes, is created to
17 read:

18 490.017 Interstate Compact for School Psychologists
19 Commission; public meetings and public records exemptions.-

20 (1) Any portion of a meeting of the Interstate Compact for
21 School Psychologists Commission or its executive committee in
22 which any of the following information is discussed is exempt
23 from s. 286.011 and s. 24(b), Art. I of the State Constitution:

24 (a) Noncompliance of a member state with its obligations
25 under the compact;

26 (b) The employment, compensation, discipline, or other
27 matters, practices, or procedures related to specific employees
28 or other matters related to the commission's internal personnel
29 practices and procedures;

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- 30 (c) Current, threatened, or reasonably anticipated
31 litigation;
- 32 (d) Negotiation of contracts for the purchase, lease, or
33 sale of goods, services, or real estate;
- 34 (e) Accusing any person of a crime or formally censuring
35 any person;
- 36 (f) Trade secrets or commercial or financial information
37 that is privileged or confidential;
- 38 (g) Information of a personal nature if disclosure would
39 constitute a clearly unwarranted invasion of personal privacy;
- 40 (h) Investigative records compiled for law enforcement
41 purposes;
- 42 (i) Information relating to any investigative reports
43 prepared by or on behalf of or for use by the commission or
44 executive committee when investigating or determining compliance
45 with the compact; or
- 46 (j) Matters specifically exempted from disclosure by
47 federal or state practice laws.
- 48 (2) If a meeting, or portion of a meeting, is closed, the
49 presiding officer must state that the meeting will be closed and
50 reference each relevant exempting provision, and such reference
51 must be recorded in the minutes.
- 52 (3) The commission shall keep minutes that fully and
53 clearly describe all matters discussed in a meeting and shall
54 provide a full and accurate summary of actions taken, and the
55 reasons therefor, including a description of the views
56 expressed. All documents considered in connection with an action
57 must be identified in such minutes. All minutes and documents of
58 a closed meeting must remain under seal, subject to release only

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59 by a majority vote of the commission or by order of a court of
60 competent jurisdiction.

61 (4) Recordings, minutes, and records generated during any
62 portion of an exempt meeting are exempt from s. 119.07(1) and s.
63 24(a), Art. I of the State Constitution.

64 (5) This section is subject to the Open Government Sunset
65 Review Act in accordance with s. 119.15 and shall stand repealed
66 on October 2, 2030, unless reviewed and saved from repeal
67 through reenactment by the Legislature.

68 Section 2. (1) The Legislature finds that it is a public
69 necessity that any portion of a meeting of the Interstate
70 Compact for School Psychologists Commission or its executive
71 committee held as provided in s. 490.016, Florida Statutes, in
72 which matters specifically exempted from disclosure by federal
73 or state law are discussed be made exempt from s. 286.011,
74 Florida Statutes, and s. 24(b), Article I of the State
75 Constitution.

76 (2) The Interstate Compact for School Psychologists
77 requires the closure of any portion of a meeting of the
78 Interstate Compact for School Psychologists Commission or its
79 executive committee in which, in connection with the performance
80 of its duties, the commission or executive committee must
81 discuss certain sensitive and confidential subject matters as
82 specified in s. 490.017(1), Florida Statutes. In the absence of
83 a public meetings exemption, this state would be prohibited from
84 becoming a member state of the compact. Thus, this state would
85 be unable to effectively and efficiently administer the compact.

86 (3) The Legislature also finds that it is a public
87 necessity that the recordings, minutes, and records generated

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88 during any portion of a meeting held as provided in s. 490.016,
89 Florida Statutes, that is exempt from public meetings
90 requirements be made exempt from s. 119.07(1), Florida Statutes,
91 and s. 24(a), Article I of the State Constitution. Release of
92 such information would negate the public meetings exemption. As
93 such, the Legislature finds that the public records exemption is
94 a public necessity.

95 Section 3. This act shall take effect on the same date that
96 SB 434 or similar legislation takes effect, if such legislation
97 is adopted in the same legislative session or an extension
98 thereof and becomes a law.