

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/HB 911 TITLE: Pub. Rec. and Meetings/Occupational Therapy Compact Commission SPONSOR(S): Anderson	COMPANION BILL: None LINKED BILLS: HB 909 Anderson RELATED BILLS: SB 1012 (Calatayud)
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Committee References

[Health Professions & Programs](#)

13 Y, 0 N, As CS

[Government Operations](#)

[Health & Human Services](#)

SUMMARY

Effect of the Bill:

HB 911 creates public record and public meeting exemptions required to implement and administer the Occupational Therapy Licensure Compact (Compact). HB 911 is linked to HB 909, which authorizes Florida to enter into the Compact. The Compact requires member states to share certain licensure and personal identifying information of applicants, protect certain information from public disclosure, and to allow certain meetings to be closed.

The bill specifies that the public record and public meeting exemptions are subject to the Open Government Sunset Review Act and shall be repealed on October 2, 2029, unless reenacted by the Legislature.

Fiscal or Economic Impact:

None.

Extraordinary Vote Required for Passage:

The bill requires a two-thirds vote of the members present and voting in both houses of the Legislature for final passage.

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ANALYSIS

EFFECT OF THE BILL:

Section [119.07\(1\), F.S.](#), and s. 24(a), Art. I of the Florida Constitution guarantees every person a right to inspect and copy any state, county, or municipal record, including any information held by the Department of Health (DOH) or applicable board in a compact's coordinated database, unless a public records exemption applies. Current law does not provide a public records exemption for information held in a coordinated database related to the Compact.

Florida law also requires all meetings of any board or commission of any state agency or authority at which official acts are to be taken, irrespective of whether the meeting takes places in Florida or not, to be open to the public at all times. To close such meeting, a specific exemption from the public meeting requirements under s. 24(b), Art. I of the Florida Constitution and [s. 286.011, F.S.](#), is required. Current law does not provide a public meeting exemption for commission meetings of the Compact.

The bill creates [public record and public meeting exemptions](#) required to implement and administer the Compact. Specifically, the bill exempts from public record requirements an occupational therapist's or an occupational therapy assistant's personal identifying information, other than the person's name, licensure information, or licensure number, obtained from the [coordinated database](#) and reporting system and held by the DOH or the

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Florida Board of Occupational Therapy (Board), unless the laws of the state that originally reported the information to the data system authorizes its disclosure. Disclosure under such circumstance is limited to the extent permitted under the laws of the reporting state. (Section [1](#))

The bill creates a public meetings exemption to allow meetings, or a portion of a meeting, held by the [Occupational Therapy Compact Commission](#) (Commission), or the commission's executive committee, or any other committees of the Commission to convene in a closed meeting if the meeting is held to discuss matters specifically exempted from disclosure by federal or state law. The bill also creates a public records exemption for any recordings, minutes, and records generated during an exempt meeting or an exempt portion of a meeting. (Section [1](#))

The bill specifies that the public record and public meeting exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2030, unless saved from repeal by reenactment by the Legislature. (Section [1](#))

The bill provides public necessity statements for the public record and public meeting exemptions, as required by the State Constitution. The public necessity statement for the public records exemption states that protection of such information is required under the Compact, which the state must adopt in order to become a member of the Compact. Without the public records exemption, the state would be prohibited from becoming a party to the Compact and would be unable to effectively and efficiently administer the Compact. (Section [2](#))

The public necessity statement for the public meeting exemption states that it is a public necessity to exempt Compact Commission and committee meetings wherein matters specifically exempt from disclosure by federal or state law are discussed. Without the public meeting exemption for these meetings, the state would be prohibited from becoming a member of the Compact. (Section [2](#))

The bill also provides that it is a public necessity that the recordings, minutes, and records generated during an exempt meeting be made exempt from public disclosure, as the release of such information would negate the public meeting exemption. (Section [2](#))

The effective date of the bill is the same date that HB 909 or similar legislation takes effect, if such legislation is adopted in the same legislative session or extension thereof and becomes law. (Section [3](#))

[Article I, s. 24\(c\)](#) of the Florida Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created public record exemption. The bill creates a public record exemption; thus, it requires a two-thirds vote for final passage.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Public Record and Public Meeting Exemptions](#)

The Florida Constitution sets forth the state's public policy regarding access to government records and meetings. Every person is guaranteed a right to inspect or copy any public record of the legislative, executive, and judicial branches of government.¹ All meetings of any collegial public body of the executive branch of state government or any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, must be open and noticed to the public.² The Legislature, however, may provide by general law an exemption³ from public record or meeting

¹ [Art. I, s. 24\(a\), FLA. CONST.](#)

² [Art. I, s. 24\(b\), FLA. CONST.](#)

³ A public record exemption means a provision of general law which provides that a specified record or meeting, or portion thereof, is not subject to the access requirements of [s. 119.07\(1\), F.S.](#), [s. 286.011, F.S.](#), or [s. 24, Art. I](#) of the Florida Constitution. See [s. 119.011\(8\), F.S.](#) There is a difference between records the Legislature designates exempt from public record requirements and those the Legislature designates confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. See *WFTV, Inc. v. Sch. Bd. of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), review denied, 892 So.2d 1015 (Fla. 2004); *State v. Wooten*, 260 So. 3d 1060, 1070 (Fla. 4th DCA 2018); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be

requirements provided that the exemption passes by a two-thirds vote of each chamber, states with specificity the public necessity justifying the exemption, and is no broader than necessary to meet its public purpose.⁴

Pursuant to the Open Government Sunset Review Act,⁵ a new public record or meeting exemption or substantial amendment of an existing exemption is repealed on October 2nd of the fifth year following enactment, unless the Legislature reenacts the exemption.⁶

Public Records

Current law addresses the public policy regarding access to government records, guaranteeing every person a right to inspect and copy any state, county, or municipal record, unless the record is exempt.⁷ Furthermore, the Open Government Sunset Review Act provides that a public record exemption may be created, revised, or maintained only if it serves an identifiable public purpose and the “Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption.”⁸ An identifiable public purpose is served if the exemption meets one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual’s safety; however, only the identity of an individual may be exempted under this provision; or
- Protect trade or business secrets.⁹

Public Meetings

Current law also addresses public policy regarding access to government meetings, requiring all meetings of any board or commission of any state agency or authority, or of any agency or authority of any county, municipality, or political subdivision, at which official acts are to be taken to be open to the public at all times, unless the meeting is exempt.¹⁰ The board or commission must provide reasonable notice of all public meetings.¹¹ Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin, or economic status or that operates in a manner that unreasonably restricts the public’s access to the facility.¹² Minutes of a public meeting must be promptly recorded and open to public inspection.¹³ Failure to abide by public meeting requirements will invalidate any resolution, rule, or formal action adopted at a meeting.¹⁴ A public officer or member of a governmental entity who violates public meeting requirements is subject to civil and criminal penalties.¹⁵

Occupational Therapy Licensure Compact

The Occupational Therapy Licensure Compact (Compact) was created to facilitate interstate practice of occupational therapy both in-person and through telehealth. The Compact is governed by the Occupational

released by the custodian of public records to anyone other than the persons or entities specifically designated in statute. See Op. Att’y Gen. Fla. 04- 09 (2004).

⁴ [Art. I, s. 24\(c\), FLA. CONST.](#)

⁵ [S. 119.15, F.S.](#)

⁶ [S. 119.15\(3\), F.S.](#)

⁷ *See* [s. 119.01, F.S.](#)

⁸ [S. 119.15\(6\)\(b\), F.S.](#)

⁹ *Id.*

¹⁰ [S. 286.011\(1\), F.S.](#)

¹¹ *Id.*

¹² [S. 286.011\(6\), F.S.](#)

¹³ [S. 286.011\(2\), F.S.](#)

¹⁴ [S. 286.011\(1\), F.S.](#)

¹⁵ [S. 286.011\(3\), F.S.](#)

Therapy Compact Commission (Commission), which is responsible for creating and enforcing the rules and regulations that administer the Compact.

Under the Compact, an eligible licensed occupational therapist or an occupational therapy assistant is authorized to practice in all compact member states. Any occupational therapist or occupational therapy assistant practicing under this compact privilege, must comply with the practice laws of the state in which he or she is providing service or where the patient is located.

[Coordinated Data System](#)

The Compact requires each member state to share certain information regarding all occupational therapists and occupational therapy assistants practicing under the Compact. The information must be submitted through a shared coordinated data system and must include the occupational therapist's and the occupational therapy assistant's:

- Identifying information;
- Licensure data;
- Adverse actions against a license or compact privilege;
- Nonconfidential information related to alternative program participation;
- Any denial of application for licensure and the reason for such denial;
- Current investigative information; and
- Other information that may facilitate the administration of the compact, as determined by commission rules.

A member state may designate information submitted to the data system that may not be shared with the public without the express permission of that member state. Also, any information submitted to the data system information that is subsequently expunged according to federal law or the laws of the reporting compact state shall be removed from the data system.

[Occupational Therapy Compact Commission](#)

The Commission is the governing body and entity responsible for creating and enforcing the rules and regulations that administer and govern the Compact. The Commission is composed of representatives from each compact member state's licensing board. The Compact permits the Commission to establish an executive committee and other committees, as needed, to act on the behalf of, and within the powers granted to them by, the Commission.

Commission Meetings

Compact Commission meetings must be open to the public and public notice must be given. However, the compact does allow the Commission or the executive committee or other committees of the Commission to convene in a closed, non-public meeting to discuss certain items including:

- Noncompliance of a member state with its obligations under the compact;
- The employment, compensation, or discipline of, or other matters, practices, or procedures related to, specific employees or other matters related to the commission's internal personnel practices and procedures;
- Current, threatened, or reasonably anticipated litigation against the commission, executive board, or other committees of the commission;
- Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
- An accusation of any person of a crime or a formal censure of any person;
- Information disclosing trade secrets or commercial or financial information that is privileged or confidential;
- Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- Investigatory records compiled for law enforcement purposes;

- Information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the compact; and
- Matters specifically exempted from disclosure by federal or member state statute.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Health Professions & Programs Subcommittee	13 Y, 0 N, As CS	3/13/2025	McElroy	Curry
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> • Authorized the Occupational Therapy Licensure Compact Commission or its committees to convene in a closed meeting when discussing matters specifically exempted from disclosure by federal or state law. • Maked technical changes. 			
Government Operations Subcommittee				
Health & Human Services Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
