

1                                   A bill to be entitled  
 2           An act relating to public records and meetings;  
 3           creating s. 468.227, F.S.; providing an exemption from  
 4           public records requirements for certain information  
 5           held by the Occupational Therapy Compact Commission  
 6           authorizing disclosure of the information under  
 7           certain circumstances; providing an exemption from  
 8           public meetings requirements for certain meetings, or  
 9           portions of meetings, of the Occupational Therapy  
 10          Compact Commission, providing an exemption from public  
 11          records requirements for recordings, minutes, and  
 12          records generated during the exempt meetings or exempt  
 13          portions of meetings; providing for future legislative  
 14          review and repeal of the exemptions; providing  
 15          statements of public necessity; providing a contingent  
 16          effective date.

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

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 20           **Section 1.   Section 468.227, Florida Statutes, is created**  
 21 **to read:**

22           468.227 Occupational Therapy Compact Commission; public  
 23 records and meetings exemptions.-

24           (1) An occupational therapist's or occupational therapy  
 25 assistant's personal identifying information, other than the

26 person's name, licensure status, or licensure number, obtained  
 27 from the coordinated database and reporting system described in  
 28 Article VIII of s. 468.226 and held by the department or the  
 29 board is exempt from s. 119.07(1) and s. 24(a), Art. I of the  
 30 State Constitution unless the state that originally reported the  
 31 information to the coordinated database and reporting system  
 32 authorizes the disclosure of such information by law. If  
 33 disclosure is so authorized, information may be disclosed only  
 34 to the extent authorized by law by the reporting state.

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

41 1. Noncompliance of a member state with its obligations  
 42 under the compact.

43 2. The employment, compensation, or discipline of, or  
 44 other matters, practices, or procedures related to, specific  
 45 employees or other matters related to the commission's internal  
 46 personnel practices and procedures.

47 3. Current, threatened, or reasonably anticipated  
 48 litigation against the commission, executive board, or other  
 49 committees of the commission.

50 4. Negotiation of contracts for the purchase, lease, or

51 sale of goods, services, or real estate.

52 5. An accusation of any person of a crime or a formal  
53 censure of any person.

54 6. Information disclosing trade secrets or commercial or  
55 financial information that is privileged or confidential.

56 7. Information of a personal nature where disclosure would  
57 constitute a clearly unwarranted invasion of personal privacy.

58 8. Investigatory records compiled for law enforcement  
59 purposes.

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

64 10. Matters specifically exempted from disclosure by  
65 federal or member state statute.

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

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

74 **Section 2.** (1) The Legislature finds that it is a public  
75 necessity that any occupational therapist's or occupational

76 therapist assistant's personal identifying information, other  
77 than the person's name, licensure status, or licensure number,  
78 obtained from the coordinated database and reporting systems  
79 described in s. 468.226, Florida Statutes, and held by the Board  
80 of Occupational Therapy Practice, as applicable, be made exempt  
81 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of  
82 the State Constitution. Protection of such information is  
83 required under the Occupational Therapist Licensure Compact and  
84 must be adopted by the Legislature in order for this state to  
85 become a member state of the respective compacts. Without the  
86 public records exemption, this state would be unable to  
87 effectively and efficiently implement and administer the  
88 respective compacts.

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

96 (b) The Occupational Therapy Licensure Compact requires  
97 that any meeting or portion of a meeting of the Occupational  
98 Therapy Compact Commission, respectively, in which the substance  
99 of paragraph (a) is discussed be closed to the public. In the  
100 absence of a public meetings exemption, the state would be

101 prohibited from becoming a member state of the respective  
102 compact and, thus, prohibited from effectively and efficiently  
103 administering the compact.

104 (3) The Legislature also finds that it is a public  
105 necessity that the recordings, minutes, and records generated  
106 during a meeting or a portion of a meeting exempt pursuant to s.  
107 468.226, Florida Statutes, be made exempt from s. 119.07(1),  
108 Florida Statutes, and s. 24(a), Article I of the State  
109 Constitution. Release of such information would negate the  
110 public meetings exemption. As such, the Legislature finds that  
111 the public records exemption is a public necessity.

112 **Section 3.** This act shall take effect on the same date  
113 that HB 909 or similar legislation takes effect, if such  
114 legislation is adopted in the same legislative session or an  
115 extension thereof and becomes a law.