

# 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 #:** [HB 1237](#)

**TITLE:** Pub. Rec./Respiratory Care Interstate Compact

**SPONSOR(S):** Conerly

**COMPANION BILL:** None

**LINKED BILLS:** [HB 1235](#) Conerly

**RELATED BILLS:** [SB 972](#) (Wright)

### Committee References

[Health Professions & Programs](#)

16 Y, 0 N

[Government Operations](#)

[Health & Human Services](#)

## SUMMARY

### Effect of the Bill:

The bill creates public record and public meeting exemptions required to implement the Respiratory Care Interstate Compact. The bill is linked to HB 1235, which authorizes Florida to enter into the compact. The Respiratory Care Interstate Compact requires compact member states to share certain licensure and personal information of applicants, protect certain information from public disclosure, and to allow certain meetings to be closed to the public.

The bill makes the public record and public meeting exemptions subject to the Open Government Sunset Review Act and states that the exemption shall be repealed on October 2, 2031, unless reenacted by the Legislature.

### Fiscal or Economic Impact:

The bill will have a significant, negative fiscal impact on the Department of Health and no fiscal impact on local government.

### 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:

The bill creates [public record and public meeting exemptions](#) required to implement and administer the [Respiratory Care Interstate Compact](#) (Compact). Specifically, the bill exempts from public record certain personal identifying information, other than the name, licensure information, or licensure number of respiratory therapists authorized to practice under the Compact, obtained from the [coordinated data system](#) by the Department of Health or the Board of Respiratory Care, unless the law 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 meeting exemption to allow meetings, or a portion of a meeting, held by the [Respiratory Care Interstate Commission](#) (Commission), or the executive committee or any other committee of the Commission, to convene in a closed meeting when discussing matters specifically exempted from disclosure by federal or state law. The bill also creates a public record exemption for any recordings, minutes, and records generated during an exempt meeting or any portion of an exempt meeting. (Section [1](#))

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**DATE:** 2/4/2026

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, 2031, 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 record 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 record and meeting exemptions, 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 any meetings of the Commission, executive committee or other committee of the Commission, 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 effective date of the bill is the same date that HB 1235 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.

## FISCAL OR ECONOMIC IMPACT:

### STATE GOVERNMENT:

The bill will have a significant, negative fiscal impact on the Department of Health (DOH). DOH will experience a non-recurring increase in workload associated with updating the License Verification Search Site and data exchange services to comply with the data confidentiality requirements of the Compact. However, it is anticipated that existing resources are adequate to absorb the additional cost associated with the increased workload. DOH may request additional resources to implement the bill either through the Legislative Budget Request process or through the Legislative Budget Commission.

## 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.<sup>1</sup> 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.<sup>2</sup> The Legislature, however, may provide by general law an exemption<sup>3</sup> from public record or meeting

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

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

<sup>3</sup> 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,

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.<sup>4</sup>

Pursuant to the [Open Government Sunset Review Act](#),<sup>5</sup> 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.<sup>6</sup>

### 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.<sup>7</sup> 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."<sup>8</sup> 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.<sup>9</sup>

### 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.<sup>10</sup> The board or commission must provide reasonable notice of all public meetings.<sup>11</sup> 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.<sup>12</sup> Minutes of a public meeting must be promptly recorded and open to public inspection.<sup>13</sup> Failure to abide by public meeting requirements will invalidate any resolution, rule, or formal action adopted at a meeting.<sup>14</sup> A public officer or member of a governmental entity who violates public meeting requirements is subject to civil and criminal penalties.<sup>15</sup>

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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 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).

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

<sup>5</sup> [S. 119.15, F.S.](#)

<sup>6</sup> [S. 119.15\(3\), F.S.](#)

<sup>7</sup> [S. 119.01, F.S.](#)

<sup>8</sup> [S. 119.15\(6\)\(b\), F.S.](#)

<sup>9</sup> *Id.*

<sup>10</sup> [S. 286.011\(1\), F.S.](#)

<sup>11</sup> *Id.*

<sup>12</sup> [S. 286.011\(6\), F.S.](#)

<sup>13</sup> [S. 286.011\(2\), F.S.](#)

<sup>14</sup> [S. 286.011\(1\), F.S.](#)

<sup>15</sup> [S. 286.011\(3\), F.S.](#) A knowing violation is a second-degree misdemeanor, punishable with up to 60 days in jail and/or \$500 fine. Unintentional violations are noncriminal infractions with fines up to \$500.

## **Respiratory Care Interstate Compact**

The Respiratory Care Interstate Compact (Compact) was created to facilitate multistate practice of licensed respiratory therapists.<sup>16</sup> The Compact allows eligible licensed respiratory therapists in Florida to apply for a compact privilege to practice in other compact member states. Eligible licensees from other compact member states will also be able to apply for a compact privilege to practice in Florida. The Compact is governed by the Respiratory Care Interstate Compact Commission (Commission), which is responsible for creating and enforcing the rules and regulations that administer and govern the Compact.

Under the Compact, a respiratory therapist with an unencumbered license in his or her home state<sup>17</sup> can apply of a compact privilege, which is equivalent to a license, through the Commission to practice in other compact member states.<sup>18</sup>

### **Coordinated Data System**

The Compact requires member states to submit certain information regarding all respiratory therapists practicing under the Compact through a coordinated data system. The information must include the respiratory therapist's:

- Identifying information;
- Licensure data;
- Adverse actions against a licensee, license applicant, or compact privilege holder and information related thereto;
- Nonconfidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under member state law;
- Any denial of application for licensure and the reasons for such denial;
- The presence of current significant investigative information; and
- Other information that may facilitate the administration of the Compact or the protection of the public, as determined by Commission rules.

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

If Florida participates in the Compact, it would be required to maintain the confidentiality of data designated by other compact member states, which would conflict with the state's public records obligations under the Florida Constitution.

### **Respiratory Care Interstate Compact Commission**

The Commission is the governing body of the Compact and is 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. Commission members are appointed by the state licensing board or applicable regulatory body. The Compact permits the Commission to establish an executive committee and other committees, as needed, to act on behalf of, and within the powers granted to them by the Commission.

<sup>16</sup> Respiratory Care Interstate Compact, *About*, available at <https://respiratorycarecompact.org/>, (last visited January 30, 2026).

<sup>17</sup> A home state is the compact member state where an individual is licensed to practice respiratory therapy and has primary residence.

<sup>18</sup> National Center for Interstate Compacts, *Respiratory Care Interstate Compact – Fact Sheet*, available at <https://compacts.csg.org/wp-content/uploads/2024/10/RCIC-Fact-Sheet.pdf>, (last visited January 30, 2026).

## Commission Meetings

Under the 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 receive or solicit legal advice or to discuss the following:

- Noncompliance of a member state with the obligations under the Compact;
- The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees;
- Current or threatened discipline of a licensee or compact privilege holder by the Commission or by a member state's respiratory therapy licensing authority;
- Current, threatened, or reasonably anticipated litigation;
- Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
- Accusing any person of a crime or formally censuring any person;
- 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;
- Investigative 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 of investigation or determination of compliance issues pursuant to the Compact;
- Legal advice;
- Matters specifically exempted from disclosure by federal or member state law; and
- Other matters as adopted by the Commission by rule.

If Florida participates in the Compact, the state's delegated representative would be required to attend certain closed, non-public meetings held by the Commission which would conflict with state's public meetings obligations under the Florida Constitution unless an exemption is created by law.

## OTHER RESOURCES:

[Respiratory Care Interstate Compact](#)

## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Health Professions &amp; Programs Subcommittee</a>	16 Y, 0 N	2/3/2026	McElroy	Curry
<a href="#">Government Operations Subcommittee</a>				
<a href="#">Health &amp; Human Services Committee</a>				