

1 A bill to be entitled
2 An act relating to public records and meetings;
3 creating s. 468.3711, F.S.; providing an exemption
4 from public records requirements for a respiratory
5 therapist's personal identifying information;
6 providing an exemption from public meetings
7 requirements for certain portions of meetings of the
8 Respiratory Care Interstate Compact Commission;
9 providing an exemption from public records
10 requirements for recordings, minutes, and records
11 generated during exempt portions of such meetings;
12 providing for future legislative review and repeal of
13 the exemptions; providing a statement of public
14 necessity; providing a contingent effective date.

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

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18 **Section 1. Section 468.3711, Florida Statutes, is created**
19 **to read:**

20 468.3711 Respiratory Care Interstate Compact Commission;
21 public meetings and public records exemptions.-

22 (1) A respiratory therapist's personal identifying
23 information, other than his or her name, licensure status, or
24 licensure number, obtained from the data system described in
25 Article VIII of s. 468.371 and held by the department or the

board is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution unless the state that originally reported the information to the data system authorizes the disclosure of such information by law. If disclosure is so authorized, such information may be disclosed only to the extent authorized by the law of the reporting state.

(2)(a) Any meeting or a portion of a meeting of the Respiratory Care Interstate Compact Commission, the executive committee, or other committee of the commission established in Article VII of s. 468.371 at which matters specifically exempted from disclosure by federal or state law are discussed is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

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

(3) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. (1) The Legislature finds that it is a public necessity that a respiratory therapist's personal identifying information, other than his or her name, licensure status, or licensure number, obtained from the data system described in Article VIII of s. 468.371, Florida Statutes, and held by the Department of Health or the Board of Respiratory Care be made

51 confidential and exempt from s. 119.07(1), Florida Statutes, and
52 s. 24(a), Article I of the State Constitution. The personal
53 identifying information of a respiratory therapist should be
54 protected from public disclosure. Protection of such information
55 is required under the Respiratory Care Interstate Compact.
56 Without the public records exemption, this state will be unable
57 to effectively implement and administer the compact.

58 (2)(a) The Legislature further finds that it is a public
59 necessity that any meeting of the Respiratory Care Interstate
60 Compact Commission, or the executive committee or other
61 committee of the commission, as provided in s. 468.371, Florida
62 Statutes, at which matters specifically exempted from disclosure
63 by federal or state law are discussed be made exempt from s.
64 286.011, Florida Statutes, and s. 24(b), Article I of the State
65 Constitution.

66 (b) The Respiratory Care Interstate Compact requires the
67 closure of any meeting, or portion of a meeting, held by the
68 Respiratory Care Interstate Compact Commission, or the executive
69 committee or committees of the commission, if the presiding
70 officer announces in a public meeting that, in connection with
71 the performance of the commission's duties, the commission must
72 discuss certain sensitive and confidential subject matters. In
73 the absence of a public meetings exemption, this state would be
74 prohibited from becoming a member state of the compact.

75 (3) The Legislature further finds that it is a public

76 necessity that the recordings, minutes, and records generated
77 during a meeting held as provided in s. 468.371, Florida
78 Statutes, which are exempt from public meetings requirements be
79 made exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
80 Article I of the State Constitution. Release of such information
81 would negate the public meetings exemption. As such, the
82 Legislature finds that the public records exemption is a public
83 necessity.

84 **Section 3.** This act shall take effect on the same date
85 that HB 1235 or similar legislation takes effect, if such
86 legislation is adopted in the same legislative session or an
87 extension thereof and becomes a law.