

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. 491.023, F.S.; providing an exemption from
4 public records requirements for certain information
5 held by the Department of Health or the Board of
6 Clinical Social Work, Marriage and Family Therapy, and
7 Mental Health Counseling pursuant to the Social Work
8 Licensure Interstate Compact; authorizing the
9 disclosure of such information under certain
10 circumstances; providing an exemption from public
11 meetings requirements for certain meetings or portions
12 of certain meetings of the Social Work Licensure
13 Compact Commission or its executive committee or other
14 committees; providing an exemption from public records
15 requirements for recordings, minutes, and records
16 generated during the exempt meetings or portions of
17 such meetings; providing for future legislative review
18 and repeal of the exemptions; providing statements of
19 public necessity; providing a contingent effective
20 date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 491.023, Florida Statutes, is created to
25 read:

26 491.023 Social Work Licensure Interstate Compact; public
27 records and meetings exemptions.-

28 (1) A social worker's personal identifying information,
29 other than the social worker's name, licensure status, or

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30 licensure number, obtained from the data system, as described in
31 Art. XI of s. 491.022, and held by the department or the board
32 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State
33 Constitution unless the state that originally reported the
34 information to the data system authorizes the disclosure of such
35 information by law. If disclosure is so authorized, such
36 information may be disclosed only to the extent authorized by
37 the law of the reporting state.

38 (2) (a) A meeting or a portion of a meeting of the Social
39 Work Licensure Compact Commission or the executive committee or
40 other committee of the commission, established in Art. X of s.
41 491.022, at which matters specifically exempted from disclosure
42 by federal or state law are discussed is exempt from s. 286.011
43 and s. 24(b), Art. I of the State Constitution.

44 (b) Recordings, minutes, and records generated during an
45 exempt meeting or portion of such a meeting are exempt from s.
46 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

51 Section 2. (1) The Legislature finds that it is a public
52 necessity that a social worker's personal identifying
53 information, other than the social worker's name, licensure
54 status, or licensure number, obtained from the data system, as
55 described in Article XI of s. 491.022, Florida Statutes, and
56 held by the Department of Health or the Board of Clinical Social
57 Work, Marriage and Family Therapy, and Mental Health Counseling
58 be made exempt from s. 119.07(1), Florida Statutes, and s.

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59 24(a), Article I of the State Constitution. Protection of such
60 information is required under the Social Work Licensure
61 Interstate Compact, which a state must adopt in order to become
62 a member state of the compact. Without the public records
63 exemption, this state will be unable to effectively implement
64 and administer the compact.

65 (2)(a) The Legislature finds that it is a public necessity
66 that any meeting of the Social Work Licensure Compact Commission
67 or the executive committee or other committee of the commission
68 held as provided in s. 491.022, Florida Statutes, in which
69 matters specifically exempted from disclosure by federal or
70 state law are discussed be made exempt from s. 286.011, Florida
71 Statutes, and s. 24(b), Article I of the State Constitution.

72 (b) The Social Work Licensure Interstate Compact requires
73 the closure of any meeting, or any portion of a meeting, of the
74 Social Work Licensure Compact Commission or the executive
75 committee or other committee of the commission if the presiding
76 officer announces in a public meeting that, in connection with
77 the performance of the commission's duties, the commission must
78 discuss certain sensitive and confidential subject matters. In
79 the absence of a public meetings exemption, this state would be
80 prohibited from becoming a member state of the compact.

81 (3) The Legislature also finds that it is a public
82 necessity that the recordings, minutes, and records generated
83 during a meeting held as provided in s. 491.022, Florida
84 Statutes, which is exempt from public meetings requirements be
85 made exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
86 Article I of the State Constitution. Release of such information
87 would negate the public meetings exemption. As such, the

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88 Legislature finds that the public records exemption is a public
89 necessity.

90 Section 3. This act shall take effect on the same date that
91 SB 74 or similar legislation takes effect, if such legislation
92 is adopted in the same legislative session or an extension
93 thereof and becomes a law.