

By Senator Wright

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A bill to be entitled
An act relating to public records and meetings;
creating s. 468.3711, F.S.; providing an exemption
from public records requirements for certain
information held by the Department of Health or the
Board of Respiratory Care pursuant to the Respiratory
Care Interstate Compact; authorizing the disclosure of
such information under certain circumstances;
providing an exemption from public meetings
requirements for certain meetings or portions of
meetings of the Respiratory Care Interstate Compact
Commission or the executive committee of the
commission; providing an exemption from public records
requirements for recordings, minutes, and records
generated during exempt portions of such meetings;
providing for future legislative review and repeal of
the exemptions; providing statements of public
necessity; providing a contingent effective date.

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

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

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

(1) 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
Art. VIII of s. 468.371 and held by the department or the board

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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 or the executive committee of the commission established in Art. VII of s. 468.371 at which certain sensitive and confidential matters, as specified in subsection (6) of Art. VII of s. 468.371, 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(3) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.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 confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The personal identifying information of a respiratory therapist should be

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protected from public disclosure. Protection of such information is required under the Respiratory Care Interstate Compact. Without the public records exemption, this state will be unable to effectively implement and administer the compact.

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

(b) The Respiratory Care Interstate Compact requires the closure of any meeting, or portion of a meeting, of the Respiratory Care Interstate Compact Commission or the executive committee of the commission, if the presiding officer states in a public meeting that the commission or the executive committee of the commission must discuss certain sensitive and confidential matters as specified in subsection (6) of Article VII of s. 468.371, Florida Statutes. In the absence of a public meetings exemption, this state would be prohibited from becoming a member state of the compact.

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

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88 necessity.

89 Section 3. This act shall take effect on the same date that
90 SB 970 or similar legislation takes effect, if such legislation
91 is adopted in the same legislative session or an extension
92 thereof and becomes a law.