

CHAPTER 2024-13

Senate Bill No. 322

An act relating to public records and meetings; creating ss. 456.4503, 468.1336, and 486.113, F.S.; providing an exemption from public records requirements for certain information held by the Department of Health, the Board of Medicine, the Board of Osteopathic Medicine, the Board of Speech-Language Pathology and Audiology, and the Board of Physical Therapy Practice pursuant to the Interstate Medical Licensure Compact, the Audiology and Speech-Language Pathology Interstate Compact, and the Physical Therapy Licensure Compact, as applicable; authorizing disclosure of the information under certain circumstances; providing an exemption from public meetings requirements for certain meetings, or portions of meetings, of the Interstate Medical Licensure Compact Commission, the Audiology and Speech-Language Pathology Interstate Compact Commission, and the Physical Therapy Compact Commission; providing an exemption from public records requirements for recordings, minutes, and records generated during the exempt meetings or exempt portions of 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 456.4503, Florida Statutes, is created to read:

456.4503 Interstate Medical Licensure Compact Commission; public records and meetings exemptions.—

(1) A physician's personal identifying information, other than the physician's name, licensure status, or licensure number, obtained from the coordinated information system described in Section 7 of s. 456.4501 and held by the department, the Board of Medicine, or the Board of Osteopathic Medicine, 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 coordinated information system authorizes the disclosure of such information by law. If disclosure is so authorized, information may be disclosed only to the extent authorized by law by the reporting state.

(2)(a) A meeting or a portion of a meeting of the Interstate Medical Licensure Compact Commission established in Section 10 of s. 456.4501 is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution if the Interstate Commission determines by a two-thirds vote of the commissioners present that the meeting would be likely to:

1. Relate solely to the internal personnel practices and procedures of the Interstate Commission;

2. Discuss matters specifically exempted from disclosure by federal statute;

3. Discuss trade secrets or commercial or financial information that is privileged or confidential;

4. Involve accusing a person of a crime, or formally censuring a person;

5. Discuss information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

6. Discuss investigative records compiled for law enforcement purposes;
or

7. Specifically relate to the participation in a civil action or other legal proceeding.

(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, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. Section 468.1336, Florida Statutes, is created to read:

468.1336 Audiology and Speech-Language Pathology Interstate Compact Commission; public meetings and public records exemptions.—

(1) An audiologist's or a speech-language pathologist's personal identifying information, other than the audiologist's or the speech-language pathologist's name, licensure status, or licensure number, obtained from the coordinated database and reporting system described in Article IX of s. 468.1335 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 coordinated database and reporting system authorizes the disclosure of such information by law. If disclosure is so authorized, information may be disclosed only to the extent authorized by law by the reporting state.

(2)(a) A meeting or a portion of a meeting of the Audiology and Speech-Language Pathology Interstate Compact Commission established in Article VIII of s. 468.1335 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 an 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, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. Section 486.113, Florida Statutes, is created to read:

486.113 Physical Therapy Compact Commission; public records and meetings exemptions.—

(1) A physical therapist’s or physical therapist assistant’s personal identifying information, other than the person’s name, licensure status, or licensure number, obtained from the coordinated database and reporting system described in Article VIII of s. 486.112 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 coordinated database and reporting system authorizes the disclosure of such information by law. If disclosure is so authorized, information may be disclosed only to the extent authorized by law by the reporting state.

(2)(a) A meeting or a portion of a meeting of the Physical Therapy Compact Commission or the executive board or any other committee of the commission established in Article VII of s. 486.112 at which matters concerning any of the following are discussed is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution:

- 1. Noncompliance of a member state with its obligations under the compact.
- 2. The employment, compensation, or discipline of, or other matters, practices, or procedures related to, specific employees or other matters related to the commission’s internal personnel practices and procedures.
- 3. Current, threatened, or reasonably anticipated litigation against the commission, executive board, or other committees of the commission.
- 4. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate.
- 5. An accusation of any person of a crime or a formal censure of any person.
- 6. Information disclosing trade secrets or commercial or financial information that is privileged or confidential.
- 7. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.
- 8. Investigatory records compiled for law enforcement purposes.

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

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

(b) Recordings, minutes, and records generated during an exempt meeting or an 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, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 4. (1) The Legislature finds that it is a public necessity that any physician's, audiologist's, speech-language pathologist's, physical therapist's, or physical therapist assistant's personal identifying information, other than the person's name, licensure status, or licensure number, obtained from the coordinated database and reporting systems described in Section 7 of s. 456.4501, Florida Statutes, Article IX of s. 468.1335, Florida Statutes, or Article VIII of s. 486.112, Florida Statutes, and held by the Department of Health, the Board of Medicine, the Board of Osteopathic Medicine, the Board of Speech-Language Pathology and Audiology, or the Board of Physical Therapy Practice, as applicable, be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Protection of such information is required under the Interstate Medical Licensure Compact, the Audiology and Speech-Language Pathology Interstate Compact, and the Physical Therapy Licensure Compact, each of which must be adopted by the Legislature in order for this state to become a member state of the respective compacts. Without the public records exemption, this state would be unable to effectively and efficiently implement and administer the respective compacts.

(2)(a) The Legislature finds that it is a public necessity that any meeting or portion of a meeting of the Interstate Medical Licensure Compact Commission, the Audiology and Speech-Language Pathology Interstate Compact Commission, or the Physical Therapy Compact Commission held as provided in s. 456.4501, Florida Statutes, s. 468.1335, Florida Statutes, or s. 486.112, Florida Statutes, respectively, in 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 Interstate Medical Licensure Compact, the Audiology and Speech-Language Pathology Interstate Compact, and the Physical Therapy Licensure Compact require that any meeting or portion of a meeting of the Interstate Medical Licensure Compact Commission, the Audiology and

Speech-Language Pathology Interstate Compact Commission, and the Physical Therapy Compact Commission, respectively, in which the substance of paragraph (a) is discussed be closed to the public. In the absence of a public meetings exemption, the state would be prohibited from becoming a member state of the respective compacts and, thus, prohibited from effectively and efficiently administering the respective compacts.

(3) The Legislature also finds that it is a public necessity that the recordings, minutes, and records generated during a meeting or a portion of a meeting exempt pursuant to s. 456.4503(2), Florida Statutes, s. 468.1336(2), Florida Statutes, or s. 486.113(2), Florida Statutes, 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 necessity.

Section 5. This act shall take effect on the same date that SB 7016 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Approved by the Governor March 21, 2024.

Filed in Office Secretary of State March 21, 2024.