

CHAPTER 2022-64

House Bill No. 1523

An act relating to public records and meetings; creating s. 491.018, F.S.; providing an exemption from public records requirements for certain information held by the Department of Health or the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling pursuant to the Professional Counselors Licensure Compact; authorizing the disclosure of such information under certain circumstances; providing an exemption from public meetings requirements for certain meetings or portions of certain meetings of the Counseling Compact Commission or committees of the commission; providing an exemption from public records requirements for recordings, minutes, and records generated during the closed 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 491.018, Florida Statutes, is created to read:

491.018 Professional Counselors Licensure Compact; public records and meetings exemptions.—

(1) A counselor's personal identifying information, other than the counselor's name, licensure status, or licensure number, obtained from the data system, as described in article X of s. 491.017, and held by the department or the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling 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, 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 Counseling Compact Commission, established in article IX of s. 491.017, or the executive committee or other committees of the commission, at which matters specifically exempted from disclosure by federal or state statute 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 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(3) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2027,

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 counselor's personal identifying information, other than the counselor's name, licensure status, or licensure number, obtained from the data system, as described in article X of s. 491.017, Florida Statutes, and held by the Department of Health or the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State Constitution. Protection of such information is required under the Professional Counselors Licensure Compact, which the state must adopt in order to become a member state of the compact. Without the public records exemption, this state will be unable to effectively and efficiently implement and administer the compact.

(2)(a) The Legislature finds that it is a public necessity that any meeting of the Counseling Compact Commission or the executive committee or other committees of the commission held as provided in article IX of s. 491.017, 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), Art. I of the State Constitution.

(b) The Professional Counselors Licensure Compact requires the closure of any meeting, or any portion of a meeting, in which the substance of paragraph (a) is discussed to be closed to the public. In the absence of a public meeting exemption, this state would be prohibited from becoming a member state of the compact. Thus, this state will be unable to effectively and efficiently administer the compact.

(3) The Legislature also finds that it is a public necessity that the recordings, minutes, and records generated during a meeting that is exempt pursuant to article IX of s. 491.017, Florida Statutes, be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Art. 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 3. This act shall take effect on the same date that HB 1521 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 April 6, 2022.

Filed in Office Secretary of State April 6, 2022.