

CHAPTER 2023-141

House Bill No. 35

An act relating to public records and meetings; creating s. 490.0076, F.S.; providing an exemption from public records requirements for certain information held by the Department of Health or the Board of Psychology pursuant to the Psychology Interjurisdictional Compact; authorizing disclosure of the information under certain circumstances; providing an exemption from public meeting requirements for certain meetings of the Psychology Interjurisdictional Compact Commission; providing an exemption from public records requirements for recordings, minutes, and records generated during the closed portion of such meetings; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Section 490.0076, Florida Statutes, is created to read:

490.0076 Psychology Interjurisdictional Compact; public records and meetings exemptions.—

(1) A psychologist's personal identifying information, other than the psychologist's name, licensure status, or licensure number, obtained from the coordinated licensure information system, as described in article IX of s. 490.0075, and held by the department or the Board of Psychology 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 Psychology Interjurisdictional Compact Commission, established in article X of s. 490.0075, 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 or portion of such 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(3) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.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 psychologist's personal identifying information, other than the

psychologist's name, licensure status, or licensure number, obtained from the coordinated licensure information system, as described in article IX of s. 490.0075, Florida Statutes, and held by the Department of Health or the Board of Psychology, 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 Psychology Interjurisdictional Compact, which the state must adopt in order to become a member state of the compact. Without the public records exemption, the 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 Psychology Interjurisdictional Compact Commission held as provided in s. 490.0075, Florida Statutes, 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 Psychology Interjurisdictional Compact requires the closure of any meeting, or any portion of a meeting, of the Psychology Interjurisdictional Compact Commission in which the substance of paragraph (a) is discussed to be closed to the public. In the absence of a public meeting exemption, the state would be prohibited from becoming a member state of the compact. Thus, prohibiting the state from effectively and efficiently administering 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 s. 490.0076(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 meeting 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 33 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 May 25, 2023.

Filed in Office Secretary of State May 25, 2023.