

ENROLLED

HB 35

2023 Legislature

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 2 An act relating to public records and meetings;
 3 creating s. 490.0076, F.S.; providing an exemption
 4 from public records requirements for certain
 5 information held by the Department of Health or the
 6 Board of Psychology pursuant to the Psychology
 7 Interjurisdictional Compact; authorizing disclosure of
 8 the information under certain circumstances; providing
 9 an exemption from public meeting requirements for
 10 certain meetings of the Psychology Interjurisdictional
 11 Compact Commission; providing an exemption from public
 12 records requirements for recordings, minutes, and
 13 records generated during the closed portion of such
 14 meetings; providing for future legislative review and
 15 repeal of the exemptions; providing a statement of
 16 public necessity; providing a contingent effective
 17 date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

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

23 490.0076 Psychology Interjurisdictional Compact; public
 24 records and meetings exemptions.—

25 (1) A psychologist's personal identifying information,

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26 | other than the psychologist's name, licensure status, or
27 | licensure number, obtained from the coordinated licensure
28 | information system, as described in article IX of s. 490.0075,
29 | and held by the department or the Board of Psychology is exempt
30 | from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
31 | unless the state that originally reported the information to the
32 | coordinated information system authorizes the disclosure of such
33 | information by law. If disclosure is so authorized, information
34 | may be disclosed only to the extent authorized by law by the
35 | reporting state.

36 | (2)(a) A meeting or a portion of a meeting of the
37 | Psychology Interjurisdictional Compact Commission, established
38 | in article X of s. 490.0075, at which matters specifically
39 | exempted from disclosure by federal or state statute are
40 | discussed is exempt from s. 286.011 and s. 24(b), Art. I of the
41 | State Constitution.

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

45 | (3) This section is subject to the Open Government Sunset
46 | Review Act in accordance with s. 119.15 and shall stand repealed
47 | on October 2, 2028, unless reviewed and saved from repeal
48 | through reenactment by the Legislature.

49 | Section 2. (1) The Legislature finds that it is a public
50 | necessity that a psychologist's personal identifying

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51 information, other than the psychologist's name, licensure
52 status, or licensure number, obtained from the coordinated
53 licensure information system, as described in article IX of s.
54 490.0075, Florida Statutes, and held by the Department of Health
55 or the Board of Psychology, be made exempt from s. 119.07(1),
56 Florida Statutes, and s. 24(a), Article I of the State
57 Constitution. Protection of such information is required under
58 the Psychology Interjurisdictional Compact, which the state must
59 adopt in order to become a member state of the compact. Without
60 the public records exemption, the state will be unable to
61 effectively and efficiently implement and administer the
62 compact.

63 (2)(a) The Legislature finds that it is a public necessity
64 that any meeting of the Psychology Interjurisdictional Compact
65 Commission held as provided in s. 490.0075, Florida Statutes, in
66 which matters specifically exempted from disclosure by federal
67 or state law are discussed be made exempt from s. 286.011,
68 Florida Statutes, and s. 24(b), Article I of the State
69 Constitution.

70 (b) The Psychology Interjurisdictional Compact requires
71 the closure of any meeting, or any portion of a meeting, of the
72 Psychology Interjurisdictional Compact Commission in which the
73 substance of paragraph (a) is discussed to be closed to the
74 public. In the absence of a public meeting exemption, the state
75 would be prohibited from becoming a member state of the compact.

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76 | Thus, prohibiting the state from effectively and efficiently
77 | administering the compact.

78 | (3) The Legislature also finds that it is a public
79 | necessity that the recordings, minutes, and records generated
80 | during a meeting that is exempt pursuant to s. 490.0076(2),
81 | Florida Statutes, be made exempt from s. 119.07(1), Florida
82 | Statutes, and s. 24(a), Article I of the State Constitution.
83 | Release of such information would negate the public meeting
84 | exemption. As such, the Legislature finds that the public
85 | records exemption is a public necessity.

86 | Section 3. This act shall take effect on the same date
87 | that HB 33 or similar legislation takes effect, if such
88 | legislation is adopted in the same legislative session or an
89 | extension thereof and becomes a law.