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January 14, 2016

The Honorable Cary Pigman  
Florida House of Representatives  
Room 214, House Office Building  
402 S. Monroe Street  
Tallahassee, FL 32399-1300

Re: HB 1063, Exemption/Nurse Licensure Compact

Dear Representative Pigman:

We are writing to express our serious concerns regarding your bill, HB 1063, creating public record and meeting exemptions under the Nurse Licensure Compact. We understand that HB 1063 is part of a national effort to coordinate nursing licensure but as currently drafted, HB 1063 violates the constitutional standard in Article I, s. 24(c), Fla. Con., for the creation of new exemptions to the right of access to the records and meetings of our government.

The public record exemption for the identity of nurses who receive a multi-state license in another state and who then wish to practice in Florida is, frankly, mystifying. Regardless that other states may protect such information, to allow anonymity of a licensed professional is not only contrary to our constitutional standard, it is also bad public policy and sets a very dangerous precedent.

Of equal concern is the extremely broad meeting exemption in paragraph (2) of the bill. Many of the exemptions under this section are in direct contraction of our constitution, which stipulates that only the Legislature can create exceptions to our right of access. For example, subparagraph (2)(a)11 allows closure of meetings when there is present “[i]nformation made confidential or exempt pursuant to *rules or bylaws* of the commission . . .” This, like many of the other provisions in paragraph (2) constitute an unconstitutional delegation of legislative authority.

Finally, the required statement of public necessity is woefully inadequate and constitutionally flawed, Representative Pigman. Our constitutional standard requires such statements to be factually specific and not simply a recitation of the exemption. Simply put, the fact that Florida’s participation in the Nurse Licensure Compact requires the adoption of these overbroad and questionable exemptions is not adequate justification in our opinion. We thus suggest either HB 1063 be extensively amended to create very specific and narrow exemptions that meet our

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constitutional standard, or, that it be withdrawn from further consideration.

We appreciate your attention to our concerns. Should you have any questions or need additional information, please don't hesitate to contact us.

Sincerely,

A handwritten signature in blue ink, appearing to be 'B.A.P.', with a stylized flourish.

Barbara A. Petersen, President

Cc: The Honorable Steve Crisafulli, Speaker, Florida House of Representatives  
Jon Kaney, General Counsel, First Amendment Foundation  
Sam Morley, General Counsel, Florida Press Association