

LEGISLATIVE REPORT

-
- Current action
- CS** Committee Substitute
P Passed both Chambers
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For Period Ending March 29

COURT RECORDS

HB 363 Exemption/Baker Act: Creates a public record exemption for all petitions for voluntary and involuntary admission for mental health treatment, court orders, and related documents filed with a court pursuant to the Baker Act. Allows disclosure under certain, specified conditions, including by court order upon a showing of good cause. Prohibits publication by the clerk of court of personal identifying information on a court docket or in a publicly accessible file. Creates s. 394.464, F.S. Companion to SB 838. *Rep. David Silvers (D-West Palm Beach)*

★ To see our letter on HB 363, click here: <https://bit.ly/2UDSpII>

- H. Oversight, Transparency and Public Management Subcommittee: Reported favorably. Now in H. Health and Human Services Committee.

CS/HB 845 Exemption/Petitions for Protective Injunctions: Creates an exemption for any information that can be used to identify a petitioner or respondent in petitions for injunctions against domestic violence, repeat violence, dating violence, sexual violence, stalking, or cyberstalking, including all affidavits, notices of hearings, and temporary injunctions, until the respondent has been served. Amends S. 119.0714, F.S. Companion to SB 980. *Rep. Brett Thomas Hage (R-The Villages)*

- H. Judiciary Committee: Reported favorably. Now on the House Calendar.

HB 1397 Exemption/Minor's Petition to Waive Consent – Abortions: Expands the public record exemption for identifying information of minors seeking a judicial waiver of notice requirements under the Parental Consent Abortion Act to also exempt such information of consent requirements. Amends s. 390.01116, F.S. Companion to SB 1778. *Rep. Erin Grall (R-Vero Beach)*

- H. Oversight, Transparency and Public Management Subcommittee: Reported favorably by a vote of 10/2, with Reps. Eskamani and Good voting no. Now in H. Health and Human Services Committee.

HB 7025 OGSR/Treatment-Based Drug Court Programs: Reenacts without modification the public record exemption for information relating to participants in treatment-based drug court programs, as well as persons considered for treatment. The exemption applies to such information in initial screening records; substance abuse screening records; behavioral health evaluations; and treatment status reports. Reenacts s. 397.334(10), F.S. Companion to SB 7010. *H. Oversight, Transparency and Public Management Subcommittee*

- House: Passed the House unanimously. Now in Senate Messages.

CRIMINAL JUSTICE and LAW ENFORCEMENT

SB 186 Exemption/Photographs and Videos Depicting Victims of Mass Violence: As amended, creates a public record exemption for photographs, videos or audio recordings that depict the killing of a victim of mass violence. Defines “killing of a victim of mass violence” as “acts or events that cause the death of a person, not including the perpetrator, who is killed in an incident in which three or more people, not including the perpetrator, are killed by an intentional act of violence by another person.” Such acts or events caused by a public official or public employee who is acting within the scope of his or her duties are specifically excluded from the scope of the exemption. Stipulates that a spouse, parent, or adult child can share or publicly release the exempt information. Amends s. 119.071(2)(p), F.S. Companion to HB 7017. *Sen. Tom Lee (R-Brandon)*

- Senate: Passed unanimously. Now in House Messages.

ETHICS AND ELECTIONS

SB 7042 Exemption/Commission on Ethics – Financial Disclosure: Creates a public record exemption for all passwords held by the Commission on Ethics for the purpose of allowing access the electronic filing system. Also exempts information entered into the electronic filing system until the disclosure of financial interests or statement of financial interests is submitted to the Commission. Creates s. 112.31446, F.S. Companion to HB 7023. *S. Ethics and Elections Committee*

- S. Governmental Oversight and Accountability Committee: A proposed committee substitute making technical changes is adopted; reported favorably as a committee substitute. Now in S. Appropriations Committee.

EXAMINATIONS AND INVESTIGATIONS

CS/HB 601 Exemption/Reports of Child Abuse: Current law provides a public record exemption for the names of persons reporting child abuse, abandonment, or neglect. CS/HB 601 expands the exemption to protect the name or information identifying persons reporting child abuse, abandonment, or neglect. Amends ss. 39.201 and 39.202, F.S. Companion to SB 318. *Rep. Rick Roth (R-Palm Beach Gardens)*

- H. Oversight, Transparency and Public Management Subcommittee: Reported favorably. Now in H. Education Committee.

HB 7033 OGSR/Family Trust Companies – Office of Financial Regulation: Reenacts, without modification, public record exemptions for certain records relating to family trust companies held by the Office of Financial Regulation (OFR), including: personal identifying information contained in (1) records relating to a registration, application, or annual certification; (2) examinations of family trusts; and (3) reports of examinations, operations, or conditions, including working papers; (4) lists of names of shareholders or members; (5) information received by OFR that is otherwise confidential or exempt; and (6) emergency cease and desist orders, until the order is made permanent. Allows disclosure under certain, specified conditions, stipulating that publication of the name of the family trust company and the name and address of the trust’s registered agent isn’t prohibited. Also stipulates that willful disclosure of this information is a third-degree felony. Reenacts s. 662.148, F.S. Companion to SB 7056. *H. Oversight, Transparency and Public Management Subcommittee*

★ To see our letter on HB 7033, click here: <https://bit.ly/2IjKmX>

- House: Passed the House unanimously. Now in Senate Messages.

HB 7097 OGSR/Examinations – Office of Financial Regulation: Reenacts without modification the public record exemption for informal enforcement actions until the action is completed or ceases to be active. Stipulates that some information, including information that would impair the safety and soundness of the financial institution and personal financial information, will remain exempt. Also reenacts the public record exemption for trade secrets held by the Office of Financial Regulation. Reenacts s. 655.057, F.S. Companion to SB 7052. *H. Oversight, Transparency and Public Management Subcommittee*

HOME ADDRESSES

CS/SB 248 Exemption/Home Addresses: Creates a definition of “home address” which applies to all home address exemptions under s. 119.071(4)(d), F.S. As defined, home address includes not only the physical address, mailing address, and street address, but also all parcel identification numbers, plot identification numbers, legal property descriptions, neighborhood and lot numbers, GPS coordinates, and other property descriptive information that may reveal a home address. Allows an employee or officer to submit a written request to the custodial agency authorizing release of exempt information, stipulating that the request must specify the information to be released and the party authorized to receive the information. Amends s. 119.071(4)(d), F.S. Companion to HB 203. *Sen. Ed Hooper (R-Palm Harbor)*

★ To see our letter on SB 248, click here: <https://bit.ly/2BYrv6Z>

- Senate: Passed by a vote of 39/1, with Sen. Berman voting no. Now in House Messages.

SB 1796 Exemption/Home Addresses – Commission on Offender Review and School Administrators: Creates a public record exemption for the home addresses, telephone numbers, dates of birth, and photographs of current or former commissioners and investigators of the Commission on Offender Review and their families, as well as the names and locations of schools and day care facilities attended by their children and their spouse’s place of employment. Also creates a public record exemption for the home addresses, dates of birth, and telephone numbers of school administrators and their families, as well as the names and locations of schools and day care facilities attended by their children and their spouse’s place of employment. Creates ss. 119.071(4)(d)2.u. and v., F.S. *Sen. Keith Perry (R-Gainesville)*

- S. Criminal Justice Committee: A lengthy amendment making minor technical changes is adopted; reported favorably as a committee substitute. Now in S. Governmental Oversight and Accountability Committee.

SB 7004 OGSR/Department of Health – Home Addresses: Reenacts without modification the public record exemption for the home addresses, telephone numbers, dates of birth, and photographs of current or former Department of Health (DOH) personnel whose duties include the investigation or prosecution of complaints filed against health care practitioners, the inspection of licensed facilities, or the determination or adjudication of eligibility for social security benefits. Also exempts the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel, and the names and locations of schools and day care facilities attended by their children. Reenacts s. 119.071(4)(d)2.o., F.S. Companion to HB 7009. *S. Health Policy Committee*

- Senate: Tabled; HB 7009 substituted. See HB 7009.

P HB 7009 OGSR/Department of Health – Home Addresses: Reenacts without modification the public record exemption for the home addresses, telephone numbers, dates of birth, and photographs of current or former Department of Health (DOH) personnel whose duties include the investigation or prosecution of complaints filed against health care practitioners, the inspection of licensed facilities, or the determination or adjudication of eligibility for social security benefits. Also exempts the names, home addresses, telephone numbers, dates

of birth, and places of employment of the spouses and children of such personnel, and the names and locations of schools and day care facilities attended by their children. Reenacts s. 119.071(4)(d)2.o., F.S. Companion to SB 7004. *H. Oversight, Transparency and Public Management Subcommittee*

- Senate: Substituted for SB 7004. Passed the Senate unanimously. PASSED THE LEGISLATURE.

PERSONAL INFORMATION

CS/HB 591 Exemption/Public Utility Records: Creates a public record exemption for smart meter-derived data and billing information in less than one billing cycle. Creates s. 119.0713(5)(a)3., F.S. Companion to SB 600. *Rep. Clay Yarborough (R-Jacksonville)*

- House: Passed unanimously. Now in Senate Messages.

HB 1249 Exemption/Foster Parents and Foster Parent Applicants - Names: Expands the public record exemption for the home, business, work, child care or school addresses and telephone numbers, birth dates, medical record, floor plans of homes and photographs of foster parent and foster parent applicants and their families to also exempt the names of such persons. Amends s. 409.175(16), F.S. Companion to SB 1622. *Rep. Toby Overdorf (R-Stuart)*

★ To see our letter on HB 1249, click here: <https://bit.ly/2TLOtIA>

- H. Oversight, Transparency and Public Management Subcommittee: A strike all amendment is adopted; reported favorably as a committee substitute. As amended, CS/HB 1249 stipulates that the name of a foster parent will be subject to disclosure if the foster parent or the foster parent's spouse, minor child or other adult household member is charged with committing a crime against a foster child in the care of the foster parent. Now in H. Health and Human Services Committee.

NOTE: The amendment adopted in the House subcommittee does not address the concerns raised by FAF and position has not changed. We are opposed to the proposed exemption.

SB 7034 OGSR/Automated License Plate Recognition Systems – Personal Identifying Information: Reenacts without modification the public record exemption for images and data containing or providing personal identifying information obtained through the use of an automated license plate recognition system, as well as personal identifying information in data generated or resulting from images obtained through the use of such systems. Allows disclosure of the exempt information to a criminal justice agency under certain circumstances, and to the person to whom the vehicle is registered, unless the information constitutes active criminal investigative information. Reenacts s. 316.0777, F.S. Companion to HB 7037. *S. Infrastructure and Security Committee*

- S. Special Order Calendar: Rolled to third reading for passage by the Senate.

SB 7036 OGSR/Toll Facilities – Personal Identifying Information: Reenacts without modification the public record exemption for personal identifying information held by the Department of Transportation (DOT), a county, a municipality, or an expressway authority for the purpose of paying, prepaying, or collecting tolls. Reenacts s. 338.155(6), F.S. Companion to HB 7007. *S. Infrastructure and Security Committee*

- S. Special Order Calendar: Rolled to third reading for passage by the Senate.

PROPRIETARY INFORMATION

SB 1414 Exemption/Trade Secrets: Creates a public record exemption for trade secrets held by any agency. "Trade secret" is defined in s. 688.022, F.S., as "information, including a formula, pattern, complication, program, device, method, technique, or process" that is (1) of economic value in that it is not generally known

and is not readily ascertainable; and (2) the subject to reasonable efforts to maintain its secrecy. HB 761 stipulates that contracts or agreements to which an agency is a party and financial information related to such contracts or agreements are *not* a trade secret. Creates s. 688.01, F.S. Companion to HB 761. *Sen. Joe Gruters (R-Sarasota)*

- S. Commerce and Tourism Committee: A minor amendment is adopted; reported favorably as a committee substitute. Now in S. Governmental Oversight and Accountability Committee.

HB 7091 OGSR/Insurance Flood Loss Model – Trade Secrets: Reenacts without modification the public record exemption for trade secrets used in designing and constructing a hurricane flood loss model to also include trade secrets related to flood loss models. Reenacts s. 627.0628(3)(f)1., F.S. Companion to SB 7054. *H. Oversight, Transparency and Public Management Subcommittee*

- H. Commerce Committee: Reported favorably. Now in H. State Affairs Committee.

PUBLIC MEETINGS

HB 995 Public Meetings – Regional Agencies and Planning Councils: Amends the Administrative Procedures Act to allow a voting member of a regional agency or planning council that covers three or more counties who participates via telephone or videoconferencing to be counted towards the quorum requirement of the Act. Stipulates that at least one third of the voting members of such agencies or councils be present at the meeting location and that notice of intent to participate remotely be provided at least 24 hours prior to the scheduled meeting. Amends s. 120.525, F.S. Companion to SB 1004. *Rep. Joe Geller (D-Dania Beach)*

- H. Local, Federal and Veterans Affairs Subcommittee: Reported favorably. Now in H. State Affairs Committee.

PUBLIC RECORDS

HB 407 Public Records – Civil Actions: Prohibits an agency receiving a public record request from responding to the request by filing a civil action against the requestor. Amends s. 119.07(1), F.S. Companion to SB 602. *Rep. Ray Wesley Rodrigues (R-Fort Myers)*

- H. State Affairs Committee: Reported favorably. Now on the House Calendar.

[Bills to Watch: Last year, the South Florida Water Management District filed a request for declaratory judgment in response to public record requests from a small non-profit, the Everglades Law Center, and a citizen activist, Maggy Hurchalla. These types of lawsuits force public record requestors into court to defend their right of access to public records – a right, it should be noted, guaranteed by the Florida Constitution. HB 407 and SB 602 aim to end that predatory practice. Please express your support to sponsors Rep. Rodrigues and Sen. Perry. On March 12, the 4th DCA hear oral arguments in an appeal of a lawsuit brought by the South Florida Water Management District against citizen activist Maggy Hurchalla and the Everglades Law Center. Here's a link to an article in *The Palm Beach Post* about the case: <https://pbpo.st/2NZQcoe>](#)

SB 1416 Public Records – Agency Contracts: In pertinent part, stipulates that (1) contracts or agreements to which an agency or entity subject to Ch. 119 is a party; and (2) financial information related to such contracts or agreements, including the amount of money paid, payment structures or plans, expenditures, incentives, fees, or penalties, are public records subject to disclosure. Repeals s. 815.045, F.S. Creates s. 119.07135, F.S. Companion to HB 759. *Sen. Joe Gruters (R-Sarasota)*

- S. Commerce and Tourism Committee: A strike all amendment that in part stipulates that the contract disclosure requirements do not apply to research institutes at state universities or technology transfer

centers at state colleges is adopted. Reported favorably as a committee substitute. Now in S. Governmental Oversight and Accountability Committee.

PUBLIC SAFETY AND SECURITY

CS/HB 327 Exemption/Public Utilities: Section 119.0713(5), F.S., provides a public record exemption for information related to the security of a public utility's information technology systems. CS/HB 327 creates an exemption for portions of meetings at which such information is discussed, stipulating that closed meetings be recorded. Creates a public record exemption for the recordings of closed meetings and allowing access if a court determines the meeting was not restricted to the discussion of exempt information. Creates s. 286.0113(3), F.S. Companion to SB 450. *Rep. Tracie Davis (D-Jacksonville)*

- House: A strike all amendment making technical changes is adopted; passed the House unanimously as amended. Now in Senate Messages.

CS/SB 450 Exemption/Public Utilities: Creates an exemption for portions of meetings at which information exempt under s. 119.0713(5), F.S., is discussed, stipulating that closed meetings be recorded. Creates a public record exemption for the recordings of closed meetings and access if a court determines the meeting was not restricted to the discussion of exempt information. Creates s. 286.0113(3), F.S. Companion to HB 327. *Sen. Audrey Gibson (D-Jacksonville)*

- S. Governmental Oversight and Accountability Committee: A strike all amendment making technical changes is adopted; reported favorably as a committee substitute. Now in S. Rules Committee.

HB 7047 OGSR/Data Breach Notifications: Reenacts without modification the public record exemption for all information received by the Department of Legal Affairs (DOLA) pursuant to the requirement that DOLA be notified of all breaches of data security. Also creates an exemption for records relating to investigations of such breaches held by DOLA or a criminal justice agency, stipulating that the records are subject to disclosure once the investigation is complete. Allows disclosure during the investigation under certain specified conditions. The following information remains exempt once the investigation is complete: personal information; computer forensic reports; information revealing weaknesses in data security; and proprietary business information. "Proprietary business information" is defined as information owned or controlled by the entity reporting the breach that is intended to be private in that disclosure would cause harm to the entity's business operations, and has not otherwise been disclosed, including trade secrets and competitive interests. Reenacts s. 501.171, F.S. Companion to SB 7008. *H. Oversight, Transparency and Public Management Subcommittee*

- H. Civil Justice Subcommittee: Reported favorably. Now in H. State Affairs Committee.
- H. State Affairs Committee: Reported favorably. Now on the House Calendar.

SOCIAL WELFARE

SB 7002 OGSR/Alzheimer's Disease Research Grant Advisory Board: Reenacts without modification the public record exemption for applications provided to the Alzheimer's Disease Research Grant Advisory Board within the Department of Health for Alzheimer's disease research grants, and all records generated by the board relating to review of such applications. Also reenacts the exemption for those portions of board meetings during which grant applications are discussed, requiring that closed meetings be recorded and that the recording is subject to the same public record exemptions as outlined above. Final recommendations of the board are subject to disclosure. Reenacts s. 381.82, F.S. Companion to HB 7003. *S. Health Policy Committee*

- Senate: Tabled; HB 7003 substituted. See HB 7003.

P HB 7003 OGSR/Alzheimer’s Disease Research Grant Advisory Board: Reenacts without modification the public record exemption for applications provided to the Alzheimer’s Disease Research Grant Advisory Board within the Department of Health for Alzheimer’s disease research grants, and all records generated by the board relating to review of such applications. Also reenacts the exemption for those portions of board meetings during which grant applications are discussed, requiring that closed meetings be recorded and that the recording is subject to the same public record exemptions as outlined above. Final recommendations of the board are subject to disclosure. Reenacts s. 381.82, F.S. Companion to SB 7002. *H. Oversight, Transparency and Public Management Subcommittee*

- Senate: Substituted for SB 7002. Passed the Senate unanimously. PASSED THE LEGISLATURE.

VOTER INFORMATION

HB 281 Exemption/Voters and Voter Registration: Creates a public record exemption for all information concerning preregistered voter registration applicants who are 16 or 17 years old. Amends s. 97.0585, F.S. Companion to SB 342. *Rep. Cyndi Stevenson (R-St. Augustine)*

- H. Public Integrity and Ethics Committee: Reported favorably. Now in H. State Affairs Committee.

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