

LEGISLATIVE REPORT

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- Current action
- CS Committee Substitute
- P Passed both Chambers
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For Period Ending April 5

COURT RECORDS

SB 838 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 HB 363. *Sen. Bobby Powell (D-West Palm Beach)*

- S. Governmental Oversight and Accountability Committee: Reported favorably. Now in S. Rules Committee.

COLLEGES AND UNIVERSITIES

SAC 19-02 Exemption/Applicants for President and Provost: Creates a public record exemption for identifying information of applicants for presidents or provost at state universities and colleges. Also exempts portions of meetings held for the purpose of identifying or vetting potential applicants or at which an applicant's identifying information would be disclosed. Requires that all closed meetings be reasonably noticed and recorded. Creates a public record exemption for the recordings of closed meetings. Finally, stipulates that the exempt identifying information of the applicant on whom a final action or vote will be taken will be subject to disclosure 30 days before the date of the meeting at which a vote is to be taken. Amends s. 1004.098, F.S. *H. State Affairs Committee*

★ To see our letter on SAC 19-02, click here: <https://bit.ly/2OOE2z0>

- H. State Affairs Committee: Approved by a vote of 16/5, with Reps. Hart, Hattersley, Polsky, Watson, and Smith voting no. Filed as HB 7115.

ETHICS AND ELECTIONS

HB 7023 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 to 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. Amends s. 112.31446, F.S. Companion to SB 7042. *H. Public Integrity and Ethics Committee*

- H. State Affairs Committee: An amendment expanding the proposed exemption is adopted; reported favorably as a committee substitute. As amended, CS/HB 7023 creates an exemption for all secure login credentials held by the Commission on Ethics for the purpose of allowing access to 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. Now on the House Calendar.

EXAMINATIONS AND INVESTIGATIONS

CS/SB 318 Exemption/Reports of Child Abuse: Expands current law to exempt names and identifying information of persons reporting child abuse, abandonment, or neglect. Amends s. 39.202, F.S. Companion to HB 601. *Sen. Bill Montford (D-Tallahassee)*

- S. Rules Committee: A minor amendment is adopted; reported favorably as a committee substitute. Now on the Senate Calendar.

SB 7050 OGSR/Investigations – Office of Financial Regulation: Reenacts without modification the public record exemption for records related to examinations or investigations of financial institutions until the examination is complete or no longer active. Stipulates, however, that certain information, including personal identifying information of a consumer unless the consumer is the complainant, will remain exempt once the investigative records are released. Reenacts s. 559.5558, F.S. Companion to HB 7049. *S. Banking and Insurance Committee*

- S. Rules Committee: Reported favorably. Now on the Senate Calendar.

SB 7056 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 HB 7033. *S. Banking and Insurance Committee*

★ To see our letter on HB 7033, click here: <https://bit.ly/2FPD41m>

- S. Rules Committee: Reported favorably. Now on the Senate Calendar.

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*

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

HOME ADDRESSES

SB 746 Exemption/Home Addresses – Judicial Assistants: Creates a public record exemption for the home addresses, dates of birth, and telephone numbers of current or former judicial assistants 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. Amends s. 119.071(4)(d)2.e., F.S. Companion to HB 635. *Sen. Tom Wright (R-Port Orange)*

- S. Governmental Oversight and Accountability Committee: Reported favorably. Now in S. Rules Committee.

LICENSING INFORMATION

SB 7080 Exemption/Physician Licensure Compact: SB 7078 enacts the Medical Licensure Compact, a multi-state agreement that establishes a national recognition system for the licensure of physicians, allowing physicians who receive multi-state licenses in another state to practice in Florida. By enacting the Compact, Florida is required to adopt model legislation created by the Interstate Medical Licensure Compact. SB 7080 creates a public record exemption for a physician’s identifying information obtained from the “coordinated information system” under Section 8 of the compact held by the Department of Health or the Board of Medicine *unless* the state that originally reported the information authorizes disclosure by law. Specifically allows access to the physician’s name, licensure status, and license number. Also creates an exemption for meetings or portions of meetings of the Interstate Medical Licensure Compact Commission during which matters specifically exempted from disclosure by federal or state law are discussed, and exempts all records generated during the closed meetings. Creates s. 456.4502 F.S.

S. Health Policy

- S. Governmental Oversight and Accountability Committee: An amendment clarifying that the exemption applies to a physician’s *personal* identifying information is adopted; reported favorably as a committee substitute. Now in S. Appropriations Committee.

PERSONAL INFORMATION

CS/SB 600 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 HB 591. *Sen. Audrey Gibson (D-Jacksonville)*

- S. Governmental Oversight and Accountability Committee: Reported favorably. Now in S. Rules Committee.

SB 1622 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 HB 1249. *Sen. Bill Montford (D-Tallahassee)*

★ To see our letter on SB 1622, click here: <https://bit.ly/2FPVe3e>

- S. Children, Families, and Elder Affairs Committee: A strike all amendment is adopted; reported favorably as a committee substitute. As amended, CS/SB 1622 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 S. Governmental Oversight and Accountability 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*

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

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*

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

SB 7094 Exemption/Department of Highway Safety and Motor Vehicles: Creates a public record exemption for personal information contained in vessel title or vessel registration records issued by the Department of Highway Safety and Motor Vehicles. Also expands the exemption for email addresses collected by DHSMV to include verified texting numbers. Finally, creates exemptions for records received by DSMV as part of its investigations or examinations while active; once the investigations or examinations are complete, the records are subject to disclosure. Amends ss. 119.0712, 319.1414, 319.25, 320.861 and 322.71, F.S. *S. Infrastructure and Security Committee*

- S. Infrastructure and Security Committee: Reported favorably. Now in

PROPRIETARY INFORMATION

HB 761 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 SB 1414. *Rep. Ralph Massullo, Jr. (R-Beverly Hills)*

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

PUBLIC MEETINGS

CS/SB 1004 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 HB 995. *Sen. Jose Javier Rodriguez (D-Miami)*

- S. Infrastructure and Security Committee: Reported favorably. Now in S. Rules Committee.

SB 7020 OGSR/Meetings - University Direct Support Organizations: Reenacts without modification the exemption for portions of meetings of a university direct support organization (DSO) board of directors when the board is discussing research funding proposals or plans or programs to support research. Reenacts s. 1004.28(5), F.S. Companion to HB 7001. *S. Education Committee*

- S. Rules Committee: Reported favorably. Now on the Senate Calendar.

PUBLIC RECORDS

HB 759 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 SB 1416. *Rep. Ralph Massullo, Jr. (R-Beverly Hills)*

- H. State Affairs Committee: A minor technical amendment is adopted; reported favorably as a committee substitute. Now on the House Calendar.

[Bills to Watch: Remember when we had SO much trouble getting access to PitBull's contract with Visit Florida? We simply wanted to know how much Visit Florida was paying PitBull. It took the intervention of House Speaker Corcoran to get the contract. This bill was introduced last year and passed the House. Unfortunately, it got caught up in session politics and failed to pass the Senate. Hopefully, that won't happen this session – these are our tax dollars and we have a right to know how our money is being spent.](#)

PUBLIC SAFETY AND SECURITY

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. Rules Committee: Reported favorably. Now on the Senate Calendar.

TRANSPARENCY

CS/HB 1047 Government Integrity: In pertinent part, creates the Florida Integrity Office for the purpose of ensuring accountability and integrity in state and local government and eliminating government fraud, waste, abuse, mismanagement. Creates s. 11.421, F.S. Companion to SB 1542. *Rep. Josie Tomkow (R-Auburndale)*
WATCH

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

VOTER INFORMATION

HB 131 Voter Registration Maintenance: Requires supervisors of election to enter into agreements with local clerks of court to receive change of address information and lists of potential jurors who have self-identified as aliens on a monthly basis. Also requires the Department of Highway Safety and Vehicles to furnish a list of those who have self-identified as aliens to the Department of State on a monthly basis. Amends ss. 98.065 and 98.093, F.S. Companion to SB 230. *Rep. Amber Mariano (R-Port Richey)* WATCH

- H. Transportation and Tourism Appropriations Subcommittee: Reported favorably. Now in H. State Affairs Committee.

SB 342 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 HB 281. *Sen. Tom Lee (R-Brandon)*

- S. Governmental Oversight and Accountability Committee: Reported favorably. Now in S. Rules Committee.

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If you'd like additional information about any of the bills included in this report or to know the Foundation's position on a specific bill, please call 800/337-3518. Check our website, www.floridafaf.org, for current legislative report.