

LEGISLATIVE REPORT

•	Current action
CS	Committee Substitute
P	Passed both Chambers

For Period Ending March 15

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. Children, Families, and Elder Affairs Committee: A technical amendment is adopted; reported favorably as a committee substitute. Now in S. Governmental Oversight and Accountability Committee.

HB 845 Exemption/Petitions for Protective Injunctions: Creates a public record exemption for all information contained 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)*

★ To see our letter on HB 845, click here: <https://bit.ly/2VTHKto>

- H. Criminal Justice Subcommittee: Reported favorably. Now in H. Oversight, Transparency and Public Management Subcommittee.

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*

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

CRIMINAL JUSTICE and LAW ENFORCEMENT

SB 936 Criminal History Records – Minors: Requires the Criminal Justice Information Program to administratively seal criminal history records relating to an arrest of a minor charged with a felony or misdemeanor upon notification by a clerk of court that all charges were dropped or dismissed before trial or

resulted in an acquittal or a verdict of not guilty. Creates s. 943.0458, F.S. Companion to HB 747. *Sen. Randolph Bracy (D-Orlando)*

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

SB 938 Exemption/Sealed Criminal History Records – Minors: Creates a public record exemption for a minor’s administratively sealed criminal history records. Amends s. 943.049, F.S. Companion to HB 749. *Sen. Randolph Bracy (D-Orlando)*

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

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 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 SB 7042. *H. Public Integrity and Ethics Committee*

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

EXAMINATIONS AND INVESTIGATIONS

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. HB 601 expands the exemption to include school instructional personnel, administrators, and educational support employees who report such abuse, abandonment, or neglect within the protection of the exemption. Amends ss. 39.201 and 39.202, F.S. Companion to SB 318. *Rep. Rick Roth (R-Palm Beach Gardens)*

- H. Children, Families and Seniors Subcommittee: A strike all amendment expanding the exemption to protect the name or information identifying persons reporting child abuse, abandonment, or neglect is adopted. Reported favorably as a committee substitute. Now in H. Oversight, Transparency and Public Management Subcommittee.

HB 1055 Exemption/Department of Highway Safety and Motor Vehicles: Creates public record exemptions for active examinations and investigations of authorized private rebuilt inspection providers; certificates of title; licensed dealers or manufacturers; and an investigation pursuant to newly created s. 322.71, F.S., until such time as the examinations or investigations are complete. Also expands the public record exemption for personal information contained in motor vehicle records under s. 119.0712(2), F.S., to exempt information for personal information contained in vessel title or vessel registration records. Finally, expands the public record exemption for email addresses collected by DHSMV to also exempt verified text numbers. Amends ss. 119.0712(2); 319.25; and 320.861. Creates ss. 319.1414 and 322.71, F.S. *Rep. Chuck Brannan (Lake City)*

- H. Transportation and Infrastructure Subcommittee: Reported favorably. Now in H. Oversight, Transparency and Public Management Subcommittee.

HB 7033 OGSF/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/2JiKmX>

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

HB 7049 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 SB 7050. *H. Oversight, Transparency and Public Management Subcommittee*

- H. Insurance and Banking Subcommittee: Reported favorably. Now in H. State Affairs Committee.

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

SB 7052 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. *S. Banking and Insurance Committee*

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

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/2VrSYoU>

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

HOME ADDRESSES

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>

- S. Rules Committee: An amendment requiring that a request authorizing release of exempt information be notarized is adopted. Reported favorably as a committee substitute. Now on the Senate Calendar.

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*

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

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

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)*

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

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. Children, Families and Seniors Subcommittee: Reported favorably. Now in H. Health and Human Services Committee.

SB 7000 OGSR/Dental Workforce Surveys – Personal Identifying Information: Reenacts without modification the public record exemption for all personal identifying information contained in dental workforce surveys completed by dentists and dental hygienists held by the Department of Health. Reenacts s. 466.051, F.S. *S. Health Policy Committee*

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

HB 7005 OGSR/Animal Researchers – Personal Identifying Information: Reenacts without modification the public record exemption for personal identifying information of those persons employed by, under contract with, or volunteering for a public research facility, including a state university, who conduct animal research or are engaged in activities related to animal research, contained in animal records, including animal care and treatment records; research protocols and approvals; purchase and billing records related to animal research or activities; animal care and use committee records; and facility and laboratory records related to animal research or activities. Reenacts s. 585.611, F.S. Companion to SB 7018. *H. Oversight, Transparency and Public Management Subcommittee*

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

SB 7018 OGSR/Animal Researchers – Personal Identifying Information: Reenacts without modification the public record exemption for personal identifying information of those persons employed by, under contract with, or volunteering for a public research facility, including a state university, who conduct animal research or are engaged in activities related to animal research, contained in animal records, including animal care and treatment records; research protocols and approvals; purchase and billing records related to animal research or activities; animal care and use committee records; and facility and laboratory records related to animal research or activities. Reenacts s. 585.611, F.S. Companion to HB 7005. *S. Education Committee*

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

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. Rules Committee: Reported favorably. Now in S. Rules Committee.

HB 7037 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 SB 7034. *H. Oversight, Transparency and Public Management Subcommittee*

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

SB 7044 OGSR/Personal Identifying Information – Concealed Weapon Permits: Reenacts without modification the public record exemption for personal identifying information of those who have applied for a concealed weapons permit held by a tax collector. Reenacts s. 790.0601, F.S. *S. Criminal Justice Committee*

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

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

SB 7054 OGSR/Insurance Flood Loss Model: 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. *S. Banking and Insurance Committee*

- S. Governmental Oversight and Accountability Committee: Reported favorably. Now in S. Rules 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. Oversight, Transparency and Public Management Subcommittee: A strike-all amendment making minor technical changes is adopted. Reported favorably as a committee substitute. Now in H. Local, Federal and Veterans Affairs Subcommittee.

➔ **SB 1004 Public Meetings – Regional Agencies and Planning Councils**: Companion to HB 995. *Sen. Jose Javier Rodriguez (D-Miami)*

HB 7001 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 SB 7020. *H. Oversight, Transparency and Public Management Subcommittee*

- H. Education Committee: 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. Government Oversight, Transparency and Public Management Subcommittee: Reported favorably by a vote of 7/4, with Reps. DuBose, Eskamani, Fernandez, and Good voting no.

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>

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

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/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)*

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

SB 7008 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 HB 7047. *S. Judiciary Committee*

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

SB 7084 Exemption/Consumer Fraud, Identity Theft, and Skimmer Working Group: SB 1652 creates the Consumer Fraud, Identity Theft, and Skimmer Working Group as an advisory committee for the Department of Agriculture and Consumer Services. SB 7084 creates a public record exemption for information identifying victims of identity theft, credit card fraud, or consumer financial fraud contained in records created by the Working Group. Also exempts portions of meetings of the working group at which exempt information is discussed. Stipulates that exempt information obtained by the Working Group retains its exempt status. Creates s. 570.233, F.S. *H. Commerce and Tourism*

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*

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

TRANSPARENCY

SB 1198 School Board Fiscal Transparency: In pertinent part, requires charter schools to comply with laws relating to cost accounting, reporting, and budget transparency that currently apply only to public schools. Amends s. 1002.33. *Sen. Kelli Stargel (R-Lakeland) WATCH*

- S. Education Committee: Three amendments, mostly technical, are adopted. Reported favorably as a committee substitute. Now in S. Appropriations Subcommittee on Education.

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. Oversight, Transparency and Public Management Subcommittee: Reported favorably by a vote of 9/1, with Rep. Eskamani voting no. Now in H. Transportation and Tourism Appropriations Subcommittee.

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. Oversight, Transparency and Public Management Subcommittee: Reported favorably. Now in H. Public Integrity and Ethics Committee.

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