

LEGISLATIVE REPORT

-
- Current action
- CS** Committee Substitute
P Passed both Chambers
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For Period Ending March 22

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

CS/HB 597 Adoption Records: Amends s. 63.612, F.S., to allow disclosure of the name and identity of birth parents, adoptees, and adoptive parents without a court order if such persons authorize the release the information in writing. Applies only to adoptees over the age of 18. Amends s. 63.612, F.S. *Rep. Richard Stark (D-Weston) WATCH*

- H. Health and Human Services Committee: Reported favorably. Now on the House Calendar.

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. Oversight, Transparency and Public Management Subcommittee: An amendment narrowing the proposed exemption is adopted; reported favorably as a committee substitute. As amended, CS/HB 845 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. Now in H. Judiciary Committee.

SB 980 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 HB 845. *Sen. Gayle Harrell (R-Stuart)*

★ To see our letter on SB 980, click here: <https://bit.ly/2TGoB0w>

- S. Governmental Oversight and Accountability Committee: An amendment narrowing the proposed exemption is adopted; reported favorably as a committee substitute. As amended, CS/SB 980 creates an exemption for any information that can be used to identify a petitioner or respondent in a petition 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. Now in S. Rules Committee.

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. Quality Subcommittee: Reported favorably by a vote of 11/3, with Reps. Davis, C. Smith, and Stark voting no. Now in H. Oversight, Transparency and Public Management Subcommittee.

SB 7010 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 HB 7025. *S. Judiciary*

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

CRIMINAL JUSTICE and LAW ENFORCEMENT

SB 186 Exemption/Photographs and Videos Depicting Victims of Mass Violence: 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 “all acts or events that cause or otherwise related to 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.” Allows access by court order upon a showing of good cause. Amends s. 119.071(2)(p), F.S. Companion to HB 7017. *Sen. Tom Lee (R-Brandon)*

★ To see our letter on SB 186, click here: <https://bit.ly/2GPnzth>

- S. Special Order Calendar: An amendment narrowing the exemption is adopted. As amended, SB 186 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,” and specifically excludes such acts or events caused by a public official or public employee who is acting within the scope of his or her duties. Stipulates that a spouse, parent, or adult child is allowed to share or publicly release the exempt information. Rolled to third reading for passage by the Senate.

NOTE: The floor amendment adopted by the Senate addresses many of the concerns raised by the First Amendment Foundation and our position on the bill is now neutral.

EXAMINATIONS AND INVESTIGATIONS

CS/SB 318 Exemption/Reports of Child Abuse: Current law provides a public record exemption for the names of persons reporting child abuse, abandonment, or neglect. CS/SB 318 creates a public record exemption for the names of school instructional personnel, school administrators, and educational support employees who provide information during a protective investigation of child abuse, abandonment or neglect. Amends s. 39.202, F.S. Companion to HB 601. *Sen. Bill Montford (D-Tallahassee)*

- S. Education Committee: A strike all amendment expanding the exemption under s. 39.202, F.S., to protect the name or information identifying persons reporting child abuse, abandonment, or neglect is adopted. Reported favorably as a committee substitute. 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. Companion to HB 7097. *S. Banking and Insurance Committee*

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

➔ **HB 7097 OGSR/Examinations – Office of Financial Regulation:** Companion to SB 7052. *H. Oversight, Transparency and Public Management Subcommittee*

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

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

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*

- House: Passed unanimously. 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

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

MEDICAL RECORDS

SB 7048 Disclosure of Confidential Records: Requires service providers to disclose information from confidential clinical records relating to threats to cause seriously bodily injury or death. Also requires psychiatrists and psychologists to disclose certain patient communications for the purpose of notifying potential victims and law enforcement of specific threats to cause serious bodily injury or death. Amends ss. 394.4615; 465.059; 490.0147; and 491.0147, F.S. *S. Children, Families and Elder Affairs Committee*

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

PERSONAL INFORMATION

SB 1346 Exemption/Homeless Management Information System: Creates a public record exemption for personal identifying information contained in Point-in-Time Count and Surveys or data in a Homeless Management Information System collected pursuant to federal law. Creates s. 420.6231, F.S. Companion to HB 1071. *Sen. Joe Gruters (R-Sarasota)*

- S. Children, Families, and Elder Affairs Committee: Reported favorably. Now in S. Governmental Oversight and Accountability Committee.

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

HB 7059 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. Companion to SB 7044. *H. Oversight, Transparency and Public Management Subcommittee*

- H. Criminal Justice Subcommittee: Reported favorably. Now in H. State Affairs Committee.

PROPRIETARY INFORMATION

HB 7091 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. Companion to SB 7054. *H. Oversight, Transparency and Public Management Subcommittee*

PUBLIC MEETINGS

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)*

- H. S. Community Affairs Committee: A strike-all amendment making minor technical changes is adopted. Reported favorably as a committee substitute. Now in S. Infrastructure and Security 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 Rodriguez (R-Fort Myers)*

- H. Civil Justice Subcommittee: Reported favorably. Now in H. State Affairs Committee.

[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>](#)

PUBLIC SAFETY AND SECURITY

HB 7011 OGSR/Emergency Planning: Reenacts without modification the public record exemption for information furnished by a person or business to the Division of Emergency Management for emergency planning purposes. Reenacts s. 252.905, F.S. Companion to SB 7032. *H. Oversight, Transparency and Public Management Subcommittee*

- House: Passed unanimously. 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 stipulates that exempt criminal intelligence and investigative information obtained by the Working Group retains its exempt status. Creates an exemption for portions of meetings of the Working Group at which exempt information is discussed. Creates s. 570.233, F.S. *S. Commerce and Tourism*

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

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

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*

- House: Passed the House unanimously. Now on the Senate Calendar.

TRANSPARENCY

HB 1047 Government Integrity: In pertinent part, creates the Florida Accountability Office under the Auditor General 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. Public Integrity and Ethics Committee: A lengthy strike all amendment is adopted, changing the name to the Florida Integrity Office for the purpose of ensuring accountability and integrity in state and local government and eliminating government fraud, waste, abuse, mismanagement. Reported favorably as a committee substitute. Now in H. Appropriations Committee.

VOTER INFORMATION

SB 230 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 HB 131. *Sen. Joe Gruters (R-Sarasota)* WATCH

- S. Infrastructure and Security Committee: Reported favorably by a vote of 4/3, with Sens. Powell, Rodriguez, and Braynon voting no. Now in S. Appropriations 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. Ethics and Elections Committee: Reported favorably. Now in S. Governmental Oversight and Accountability 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.