



LEGISLATIVE REPORT

•	Current action
CS	Committee Substitute
P	Passed both Chambers

For Period Ending April 12

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/2G4EQf6>

- H. Health and Human Services Committee: A minor amendment is adopted; reported favorably as a committee substitute. Now on the House Calendar.

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*

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

CS/SB 980 Exemption/Petitions for Protective Injunctions: Creates a public record 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. Amends S. 119.0714, F.S. Companion to HB 845. *Sen. Gayle Harrell (R-Stuart)*

- S. Rules Committee: Reported favorably. Now on the Senate 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. Health and Human Services Committee: Reported favorably. Now on the House Calendar.

SB 1778 Exemption/Minor's Petition to Waive Consent – Abortions: Creates a public record for identifying information of minors seeking a judicial waiver of consent requirements under the Parental Consent for Abortion Act. Creates s. 390.01118, F.S. Companion to HB 1397. *Sen. Kelli Stargel (R-Lakeland)*

- S. Health Policy Committee: A purely technical amendment is adopted. Reported favorably by a vote of 8/1, with Sen. Book voting no.

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*

- Senate Special Order Calendar: Tabled; HB 7025 substituted. See HB 7025.

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*

- Senate Special Order Calendar: Rolled to third reading for final passage.

CRIMINAL JUSTICE and LAW ENFORCEMENT

HB 7125 Public Safety – Administrative Sealing of Criminal History Records: Requires the Florida Department of Law enforcement to adopt rules to automatically seal a criminal history record when a charging document isn't filed; charges weren't filed or were dropped or dismissed; or the defendant was acquitted or found not guilty. Stipulates there is no limit on the number of times a person can obtain an automatic seal of a criminal history record. Creates s. 943.0595, F.S. *H. Judiciary Committee*

★ To see our letter on HB 7125, click here: <http://bit.ly/2Gj3dXI>

ETHICS AND ELECTIONS

CS/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. Appropriations Committee: Reported favorably. Now on the Senate 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)*

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

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. Health and Human Services Committee: Two amendments, both technical in nature, are adopted. Reported favorably as a committee substitute. Now on the House Calendar.

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/2uWk10g>

- Senate Special Order Calendar: Substituted for SB 7056 and rolled to third reading for final passage.

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*

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

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*

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

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 SB 7056, click here: <https://bit.ly/2FPD41m>

- Senate Special Order Calendar: Tabled; HB 7033 substituted. See HB 7033.

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

HOME ADDRESSES

CS/HB 203 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 SB 248. *Sen. Ardian Zika (R-Land O’Lakes)*

★ To see our letter on HB 203, click here: <https://bit.ly/2D4JyZR>

- House Special Order Calendar: Tabled; CS/SB 248 substituted. See CS/SB 248.

P 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/2U8EXLR>

- House: Substituted for CS/HB 203 and passed unanimously. PASSED THE LEGISLATURE

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

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

CS/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. 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. 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>

★ To see our letter on CS/SB 1622, click here: <https://bit.ly/2Ge1K5f>

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

HB 7007 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 SB 7036. *H. Oversight, Transparency and Public Management Subcommittee*

- House Special Order Calendar: Tabled; SB 7036 substituted. See SB 7036.

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*

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

P 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*

- House: Substituted for HB 7037 and passed unanimously by the House. PASSED THE LEGISLATURE

P 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*

- House: Substituted for HB 7007 and passed unanimously by the House. PASSED THE LEGISLATURE

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*

- House Special Order Calendar: Tabled; SB 7034 substituted. See SB 7034.

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

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*

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

PUBLIC MEETINGS

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*

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

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)*

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

SB 602 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 HB 407. *Sen. Keith Perry (R-Gainesville)*

- S. Governmental Oversight and Accountability Committee: A strike all amendment is adopted; reported favorably as a committee substitute. As amended, CS/SB 602 amends s. 119.07, F.S., stipulating that if an agency seeks a declaratory judgment in response to a public record request and the court determines that the requested records are subject to disclosure, then the court must award attorney fees against the agency. Now in the S. Judiciary Committee.

NOTE: The amendment on SB 602 adopted by the S. Governmental Oversight and Accountability completely neutralizes the good intentions of the legislation and we cannot support CS/SB 602 as amended.

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)*

- Senate Special Order Calendar: Rolled to third reading for final passage.

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)*

- Senate Special Order Calendar: Tabled; CS/HB 327 substituted. See CS/HB 327.

SB 7032 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 HB 7011. *S. Infrastructure and Security*

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

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*

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

SB 7100 Exemption/Department of Lottery: Creates a public record exemption for information that could harm the security of the Department of Lottery, including: information relating to: the security of DOL's technologies, processes and practices designed to protect networks, computers, software, and data systems; physical and virtual security measures; lottery games; terminals, machines, and devices that issue tickets. Also creates exemptions for confidential information used by the DOL to participate in multistate lottery games; personal information obtained by DOL when conducting background checks of current or potential vendors; and financial information related to reviews by DOL. Amends s. 24.1051, F.S. Companion to HB 7121. *S. Innovation, Industry and Technology Committee*

→ **HB 7121 Exemption/Department of Lottery:** Companion to SB 7100. *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. State Affairs Committee: Reported favorably by a vote of 19/2, with Reps. Good and Hart voting no. Now on the House Calendar.

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 5/3, with Senators Cruz, Stewart, and Taddeo voting no. Now in S. Appropriations Committee.

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. State Affairs Committee: An amendment creating an exemption for the telephone numbers and email addresses of registered voters and voter registration applicants is adopted. As amended, CS/HB 281 creates a public record exemption for the telephone numbers and email addresses of a registered voter or voter registration applicant, stipulating that the exempt information will be made available to canvassing boards, election officials, political parties, candidates for election who face opposition, and registered political committees. a public record exemption for all information concerning preregistered voter registration applicants who are 16 or 17 years old. The bill was reported favorably as amended and is now on the House Calendar.

★ To see our letter on the amendment to HB 281, click here: <https://bit.ly/2D3nfUo>

NOTE: The FAF is opposed to HB 281 as amended.

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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.