

## LEGISLATIVE REPORT

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- Current action
- CS Committee Substitute
- P Passed both Chambers
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**For Period Ending April 19**

### COLLEGES AND UNIVERSITIES

**HB 7115 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 HB 7115 (SAC 19-02), click here: <http://bit.ly/2ZieMpF>

- H. Education Committee: Reported favorably by a vote of 14/3, with Reps. Antone, Hogan Johnson, and Valdes voting no. Now on the House Calendar.

### COURT RECORDS

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

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

**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)*

- House: Passed the House by a vote of 93/20. Now in Senate Messages. To see the vote on HB 1397, click here: <http://bit.ly/2XhkKW6>.

**P 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: Passed the Senate unanimously. PASSED THE LEGISLATURE

## CRIMINAL JUSTICE and LAW ENFORCEMENT

**HB 7125 Public Safety – Administrative Sealing of Criminal History Records:** In pertinent part, 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>

- H. Appropriations Committee: An amendment to the automatic sealing provision making mostly technical changes is adopted. Reported favorably as amended. Now on the House Calendar.

**NOTE:** The amendment adopted in the House Appropriations Committee does not address our concerns and the FAF position on HB 7125 is unchanged. We oppose the automatic sealing of criminal history records.

## ETHICS AND ELECTIONS

**CS/HB 7023 Exemption/Commission on Ethics – Financial Disclosure:** Creates a public record 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. Amends s. 112.31446, F.S. Companion to SB 7042. *H. Public Integrity and Ethics Committee*

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

## 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: Passed unanimously. Now in House Messages.

**P 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: Passed the Senate unanimously. PASSED THE LEGISLATURE

**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*

- House: Passed unanimously. Now in Senate Messages.

## PERSONAL INFORMATION

**CS/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)*

- H. Health and Human Services Committee: A strike all amendment is adopted; reported favorably as a committee substitute. As amended, CS/HB 1249 amends 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, and limits application of the exemption to Level III foster homes, safe foster homes for victims of human trafficking. Stipulates the name of a Level III foster parent, foster parent applicant, or their spouses or minor children or other adult household members who are charged with any offense or if a foster parent license is suspended or revoked, the name of the individual charged will be subject to disclosure. Also stipulates that the name of a Level III foster parent or foster parent applicant will be subject to disclosure if a Level III license has been suspended or revoked.

**NOTE:** The amendment adopted in the House Health and Human Services Committee narrows the exemption and addresses FAF's concerns. Our position on the bill is now neutral.

**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: Passed unanimously. Now in House Messages.

**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*

- House: Passed the House unanimously. Now in Senate 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. Similar to HB 1055. *S. Infrastructure and Security Committee*

- S. Appropriations Subcommittee on Transportation, Tourism, and Economic Development: Reported favorably. Now in S. Appropriations 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)*

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

**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. Companion to HB 7091. *S. Banking and Insurance Committee*

- S. Rules Committee: Reported favorably by a vote of 15/1, with Senator Flores voting no. Now on the Senate Calendar.

**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*

- House: Passed unanimously. Now in Senate Messages.

### PUBLIC MEETINGS

**CS/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. State Affairs Committee: Reported favorably. Now on the House 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)*

- House: Passed the House by a vote of 113/1, with Rep. Grall voting no. Now in Senate Messages.

## PUBLIC SAFETY AND SECURITY

**P 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: Passed the Senate unanimously. PASSED THE LEGISLATURE

**HB 7121 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 SB 7100. *H. State Affairs Committee*

- H. Commerce Committee: Reported favorably by a vote of 19/1, with Rep. Jacquet voting no. Now on the House Calendar.

## TRANSPARENCY

**CS/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. Appropriation Subcommittee on Education: A minor amendment is adopted; reported favorably as a committee substitute. Now in S. Appropriations Committee.

## VOTER INFORMATION

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

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