

LEGISLATIVE REPORT

•	Current action
CS	Committee Substitute
P	Passed both Chambers

Please note that next week is the final week of the 2019 Legislative session. Our final report will be sent after *sine die*.

For Period Ending April 26

COURT RECORDS

CS/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. Rules Committee: A technical amendment is adopted; reported favorably as a committee substitute.
- Senate: Unanimously passed the Senate. Now in House Messages.

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>

- House: Rolled to third reading for passage by the House.

ETHICS AND ELECTIONS

P 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*

- Senate: Substituted for SB 7042 and unanimously passed by the Senate. PASSED THE LEGISLATURE

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*

- Senate: Tabled; CS/HB 7023 substituted. See CS/HB 7023.

EXAMINATIONS AND INVESTIGATIONS

CS/SB 236 Exemption/Sexual Harassment: Sections 112.324(2)(a)-(c), F.S., provide public record exemptions for complaints, records, and proceedings related to investigations by an ethics commission. Section 112.324(e) allows the subject of the complaint to request in writing that the records and proceedings be made public. SB 236:

- creates an exception to (e), stipulating that complaints or referrals involving allegations of sexual harassment, sexual favors, or sexual misconduct *cannot* be made public;
- creates s. 112.324(f), providing a public record for the personal identifying information of an alleged victim of sexual harassment or sexual misconduct, as well as any information that could assist in identifying an alleged victim;
- specifies that such information cannot be disclosed during proceedings open to the public;
- amends the current exemption for personal identifying information of sexual harassment victims under s. 119.071(2)(n) to provide an exemption for complaints, referrals, and reports alleging sexual harassment or sexual misconduct, and all related records held by an agency until:
 - the agency determines it will not investigate the allegation;
 - the agency takes disciplinary action against the subject of the allegation; or
 - a probable cause determination is made.
- stipulates that all personal identifying information of the alleged victim, or any information that could assist in determining the identity of the victim, remains exempt but allows access by the parties to the allegation; and
- creates an exemption for portions of meetings that would reveal any records involving an allegation of sexual harassment or sexual misconduct.

Amends ss. 112.324(2); 119.071(2)(n); and s. 286.0113. *Sen. Lauren Book (D-Plantation)*

- S. Rules Committee: Reported favorably.
- Senate: Passed the Senate unanimously. Now in House Messages.

P 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*

- Senate: Substituted for SB 7050. Passed the Senate unanimously. PASSED THE LEGISLATURE

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: Tabled; HB 7049 substituted. See HB 7049.

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*

- Senate: Tabled; HB 7097 substituted. See HB 7097.

P 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*

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

HOME ADDRESSES

SB 746 Exemption/Home Addresses – Judicial Assistants: Creates a public record exemption for the home addresses, dates of birth, and telephone numbers of current or former judicial assistants and their families, as well as the names and locations of schools and day care facilities attended by their children and their spouse's place of employment. Amends s. 119.071(4)(d)2.e., F.S. Companion to HB 635. *Sen. Tom Wright (R-Port Orange)*

- S. Rules Committee: Reported favorably.
- Senate: Unanimously passed the Senate. Now in House Messages.

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*

- Senate: Passed unanimously. Now in House Messages.

PERSONAL INFORMATION

CS/HB 1249 Exemption/Foster Parents and Foster Parent Applicants - Names: 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. Amends s. 409.175(16), F.S. Companion to SB 1622. *Rep. Toby Overdorf (R-Stuart)*

- House: Rolled to third reading for passage by the House.

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. Rules Committee: Reported favorably.
- Senate: Rolled to third reading for passage by the Senate.

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

PROPRIETARY INFORMATION

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*

- Senate: Tabled; HB 7091 substituted. See HB 7091.

P 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*

- Senate: Substituted for SB 7054. Passed the Senate by a vote of 39/1, with Sen. Flores voting no.

PASSED THE LEGISLATURE

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)*

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

PUBLIC SAFETY AND SECURITY

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*

- S. Rules Committee: Reported favorably.
- Senate: Tabled; HB 7121 substituted. See HB 7121.

P 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*

- House: Passed the House by a vote of 96/12. Now in Senate Messages. To see the vote, click here: <http://bit.ly/2VuB1tm>
- Senate: Passed the Senate unanimously. **PASSED THE LEGISLATURE**

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*

- House: Passed the House by a vote of 71/40. Now in Senate Messages. To see the vote, click here: <http://bit.ly/2VtWeDR>

CS/HB 281 Exemption/Voters and Voter Registration: 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. Also 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)*

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

- House: A minor amendment is adopted; passed the House unanimously as amended.
- Senate: Substituted for SB 342. CS/HB 281 failed to receive the constitutionally-required 2/3 vote. The final Senate vote was 24/16. To see the vote, click here: <http://bit.ly/2ZBk4g9>

NOTE: A motion was made to reconsider the vote on CS/HB 281 so the bill is pending on third reading in the Senate. We have no clue when or if the bill will come up for a vote again and will be keeping a careful eye on the Senate next week.

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)*

- Senate: Tabled; CS/HB 281 substituted. See CS/HB 281.

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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.