

OPEN GOVERNMENT BILLS PASSED IN 2019 SESSION

1) 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 “events that depict either a victim being killed or the body of a victim killed in an incident in which three or more people, not including the perpetrator, are killed by the perpetrator of an intentional act of violence.” Stipulates that a spouse, parent, or adult child can share or publicly release the exempt information and allows access by court order on a showing of good cause. Amends s. 119.071(2)(p), F.S. Applies retroactively and takes effect when signed by the Governor. *Sen. Tom Lee (R-Brandon)* **NEW**

- Passed the Senate unanimously; passed the House by a vote of 108/6.

To see the House vote, click here: <http://bit.ly/2WuCcqe>

1) 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. Applies retroactively and takes effect on July 1, 2019. *Sen. Ed Hooper (R-Palm Harbor)* **NEW**

- Passed the Senate by a vote of 39/1, with Sen. Berman voting no. Passed the House unanimously.
- Approved by the Governor. Chapter No. 2019-12.

2) CS/HB 281 Exemption/Voters and Voter Registration: Creates a public record exemption for information related to a voter registration applicant’s or voter’s prior felony conviction and whether such person had his or her rights restored collected for the purpose of voter registration. Also exempts all information about preregistered voter registration applicants who are 16 or 17 years old. Amends s. 97.0585, F.S. Applies retroactively and takes effect July 1, 2019. *Rep. Cyndi Stevenson (R-St. Augustine)* **NEW**

- Passed the House unanimously. In the Senate, CS/HB 281 failed to receive the 2/3 vote required for passage. On reconsideration and after an amendment narrowing the exemption, CS/HB 281 passed the Senate unanimously. Then passed the House by a vote of 106/2.

To see the first Senate vote, click here: <http://bit.ly/2ZBk4g9>

To see the final House vote, click here: <http://bit.ly/3021IFd>

3) 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. Takes effect July 1, 2019. *Sen. Bill Montford (D-Tallahassee)* **NEW**

- Passed both chambers unanimously.
- 4) **CS/HB 327 Exemption/Public Utilities:** **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. Takes effect on July 1, 2019. *Rep. Tracie Davis (D-Jacksonville)* **NEW**
 - Passed both chambers unanimously.
 - 5) **CS/HB 591 Exemption/Public Utility Records:** Creates a public record exemption for smart meter-derived data and billing information in increments less than one billing cycle. Creates s. 119.0713(5)(a)3., F.S. Applies retroactively and takes effect on July 1, 2019. *Rep. Clay Yarborough (R-Jacksonville)* **NEW**
 - Passed both chambers unanimously.
 - 6) **CS/SB 838 Exemption/Mental Health Treatment and Services:** Creates a public record exemption for all petitions for voluntary and involuntary admission for mental health treatment, court orders, and related records filed with or by 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. Applies retroactively and takes effect on July 1, 2019. *Sen. Bobby Powell (D-West Palm Beach)* **NEW**
 - Passed both chambers unanimously.
 - 7) **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. Takes effect on July 1, 2019. *Rep. Brett Thomas Hage (R-The Villages)* **NEW**
 - Passed both chambers unanimously.
 - 8) **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. *H. Oversight, Transparency and Public Management Subcommittee*
 - Passed both chambers unanimously.
 - 9) **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. *H. Oversight, Transparency and Public Management Subcommittee*

- Passed both chambers unanimously.

10) 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. *H. Oversight, Transparency and Public Management Subcommittee*

- Passed both chambers unanimously.

11) HB 7011 OGSR/Emergency Planning – Division of Emergency Management: 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. *H. Oversight, Transparency and Public Management Subcommittee*

- Passed both chambers unanimously.

12) 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. *S. Education Committee*

- Passed both chambers unanimously.

13) 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. Takes effect on the same day HB 7021 takes effect, which is upon becoming law. *H. Public Integrity and Ethics Committee* **NEW**

- Passed both chambers unanimously.

14) 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. *H. Oversight, Transparency and Public Management Subcommittee*

- Passed both chambers unanimously

15) 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. *H. Oversight, Transparency and Public Management Subcommittee*

- Passed unanimously by both chambers.

16) 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*

- Passed both chambers unanimously.
- Approved by the Governor. Chapter No. 2019-16

17) 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*

- Passed both chambers unanimously.
- Approved by the Governor. Chapter No. 2019-17.

18) 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. *H. Oversight, Transparency and Public Management Subcommittee*

- Passed both chambers unanimously.

- 19) HB 7049 OGSR/Investigations – Florida Consumer Collection Practices Act:** 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. *H. Oversight, Transparency and Public Management Subcommittee*
- Passed both chambers unanimously.
- 20) 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*
- Passed both chambers unanimously.
- 21) 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. *H. Oversight, Transparency and Public Management Subcommittee*
- Passed the House unanimously; passed the Senate by a vote of 39/1, with Sen. Flores voting no.
- 22) HB 7097 OGSR/Examinations – Informal Enforcement Actions:** 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*
- Passed both chambers unanimously.
- 23) 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. Takes effect when signed by the Governor. *H. State Affairs Committee* **NEW**
- Passed the House by a vote of 96/12; passed the Senate unanimously.
- To see the House vote, click here: <http://bit.ly/2Jl7JqA>
- 24) CS/HB 7125 Exemption/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. Note that the automatic sealing of criminal history records by FDLE does not require sealing by the court or other

criminal justice agencies. Creates s. 943.0595, F.S. Takes effect on October 1, 2019. *H. Judiciary Committee* **NEW**

- Passed the House by a vote of 112/1, with Rep. Hill voting no. Amended and passed the Senate by a vote of 39/1, with Sen. Bracy voting no. The House concurred in the amendment and passed the bill unanimously.