

LEGISLATIVE REPORT

•	Current action
CS	Committee Substitute
P	Passed both Chambers

For Period Ending January 17

AGRICULTURE AND ANIMAL RECORDS

SB 786 Exemption/DOACS - Aquaculture Records: Creates public record exemptions for: (1) shellfish receiving and production logs generated by licensed shellfish processing facilities; (2) planting and harvesting amounts, vendor information, and supporting invoices and receipts relating to submerged land leases; and (3) aquaculture production, inventory records, and invoices or receipts created by certified aquaculture facilities held by the Department of Agriculture and Consumer Services (DOACS). Creates s. 597.31, F.S. Companion to HB 905. *Sen. George Gainer (R-Panama City)*

- S. Agriculture Committee: Reported favorably by unanimous vote. Now in S. Governmental Oversight and Accountability Committee.

SB 812 Exemption/Threatened or Endangered Species: Creates a public record exemption for site-specific information of animals listed on the federal threatened or endangered list held by an agency. Creates s. 379.1026. Companion to HB 549. *Sen. Travis Hutson (R-Palm Coast)*

- S. Environment and Natural Resources Committee: An amendment specifying the exemption does not apply to animals in captivity is adopted; reported favorably as a committee substitute by unanimous vote. Now in S. Governmental Oversight and Accountability Committee.

COURT RECORDS

CS/SB 406 Exemption/Notice of Consent – Minors: SB 404 creates the Parental Consent for Abortion Act, prohibiting abortions for minors without parental consent. SB 406 creates a public record exemption for any information that could be used to identify a minor seeking a waiver of the consent requirements. Creates s. 390.01118, F.S. Companion to HB 267. *Sen. Kelli Stargel (R-Lakeland)*

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

HB 1313 Exemption/Identifying Information – Mental Health and Substance Abuse Treatment: Expands the public record exemption for petitions for voluntary and involuntary petitions and court orders for mental health and substance abuse treatment to include the name of the respondent and applications for voluntary and involuntary admission for mental health examinations or treatment. Amends ss. 394.464 and 397.6760, F.S. Companion to SB 1620. *Rep. Sharon Pritchett (D-Miami Gardens)*

→ **SB 1620 Exemption/Identifying Information – Mental Health and Substance Abuse Treatment:**
Companion to HB 1313. *Sen. Lauren Book (D-Plantation)*

CRIMINAL JUSTICE and LAW ENFORCEMENT

HB 615 Expunction/Nonjudicial Arrest Records – Juveniles: Section 943.0582, F.S., authorizes the expunction of nonjudicial arrest records of juveniles who have completed a diversion program for a misdemeanor offense. HB 615 expands the expunction authorization to allow for the expunction of nonjudicial arrest records of juveniles who have completed a diversion program for any offense. Amends s. 943.0582, F.S. Companion to SB 700. *Rep. Clovis Watson (D-Gainesville)*

- H. Criminal Justice Subcommittee: Reported favorably by unanimous vote. Now in H. Justice Appropriations Subcommittee.

SB 700 Expunction/Nonjudicial Arrest Records – Juveniles: Section 943.0582, F.S., authorizes the expunction of nonjudicial arrest records of juveniles who have completed a diversion program for a misdemeanor offense. HB 615 expands the expunction authorization to allow for the expunction of nonjudicial arrest records of juveniles who have completed a diversion program for any offense. Amends s. 943.0582, F.S. Companion to HB 615. *Sen. Keith Perry (R-Gainesville)*

- S. Criminal Justice Committee: A minor technical amendment is adopted; reported favorably as a committee substitute by unanimous vote. Now in S. Criminal and Civil Justice Appropriations Subcommittee.

SB 1292 Exemption/Juvenile Nonjudicial Arrest Records: Creates a public record exemption for a nonjudicial arrest records of a minor who has successfully completed a diversion program if that record was sealed or expunged. Amends s. 943.0582. Companion to HB 1173. *Sen. Keith Perry (R-Gainesville)*

- S. Criminal Justice Committee: Reported favorably by a unanimous vote. Now in S. Governmental Oversight and Accountability Committee.

SB 1718 Exemption/Conditional Aging Inmate Release Program: SB 574, in part, creates the Conditional Aging Inmate Release Program within the Department of Corrections, requiring that an inmate who meets certain criteria be considered for conditional aging inmate release, and requires creation of a three member review panel to consider the appropriateness of an inmate's conditional aging release. SB 1718 creates an exemption for meetings or portions of meetings of the review panel at which exempt information is discussed, requiring: (1) the panel announce at a public meeting that it needs to close its meeting to discuss exempt information; (2) provide a written statement the specific reasons that make it necessary to close its meeting; and (3) that the closed meeting be recorded. Stipulates what information must be included in the recording and places limitations on those who may attend the closed meetings. Creates a public record exemption for records used by the panel in determining the appropriateness of conditional aging inmate release, as well as an exemption for recordings, minutes, and notes generated during the closed meeting. Amends s. 945.0912, F.S. *Sen. Jeff Brandes (R-St. Petersburg)*

SB 1728 Exemption/Conditional Medical Inmate Release Program: SB 556, in part, creates the Conditional Medical Inmate Release Program within the Department of Corrections for the purpose of determining whether release is appropriate for eligible inmates, supervising the released inmates, and conducting revocation hearings. Requires creation of a three-member review panel to consider the appropriateness of an inmate's conditional medical release. SB 1728 creates an exemption for meetings or portions of meetings of the review panel at which exempt information is discussed, requiring: (1) the panel announce at a public

meeting that it needs to close its meeting to discuss exempt information; (2) the panel provide a written statement the specific reasons that make it necessary to close its meeting; and (3) that the closed meeting be recorded. Stipulates what information must be included in the recording and places limitations on those who may attend the closed meetings. Creates a public record exemption for records used by the panel in determining the appropriateness of conditional aging inmate release, as well as an exemption for recordings, minutes, and notes generated during the closed meeting. Amends s. 945.0911, F.S. *Sen. Jeff Brandes (R-St. Petersburg)*

SB 1802 Exemption/Urban Core Gun Violence Task Force: SB 652 creates the Urban Core Gun Violence Task Force to investigate system failures and the causes of high crime rates and gun violence incidents in urban core neighborhoods and communities. SB 1802 creates an exemption for portions of Task Force meetings at which exempt information is discussed. Amends s. 943.6872, F.S. *Sen. Jason Pizzo (D-Miami)*

SB 1862 Exemption/Expunged Criminal History Records: Creates a public record exemption for expunged criminal history records held by the Florida Department of Law Enforcement (FDLE). Requires all law enforcement agencies other than FDLE to physically destroy or obliterate expunged criminal history records. Also exempts all information related to expunged criminal history records. Amends s. 943.0586. *Sen. Jeff Brandes (R-St. Petersburg)*

HB 7005 OGSR/Florida RICO Act Investigations: Reenacts without modification the public record exemption for information relating to a RICO Act violation until all investigations relating to such information are completed. Reenacts s. 895.06(7), F.S. *H. Oversight, Transparency and Public Management Subcommittee*

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

HB 7013 OGSR/Safe Houses – Sexual Exploitation Victims: Reenacts without modification the public record exemption for information about the location of a safe house, safe foster home, or other residential facility serving victims of sexual exploitation. Also exempts information about the location of a residential facility offering services for adult victims of human trafficking involving commercial sexual activity. Stipulates that the exemption does not apply to facilities licensed by the Agency for Health Care Administration (AHCA). Reenacts ss. 409.1678(6) and 787.06, F.S. Companion to SB 7034. *H. Oversight, Transparency and Public Management Subcommittee*

- H. Children, Families and Seniors Subcommittee: Reported favorably by unanimous vote. Now in H. State Affairs Committee.

SB 7032 OGSR/Body Camera Videos: Reenacts with minor modification the public record exemption for body camera recordings taken (1) within the interior of a private residence; (2) at a health care, mental health care, or social services facility; and (3) in a place where a person recorded or depicted in the recording has a reasonable expectation of privacy. Allows disclosure of the recording in furtherance of the law enforcement agency's official duties and responsibilities; to other governmental entities in furtherance of official duties and responsibilities; and pursuant to a court order under certain specified conditions. Reenacts s. 119.071(2)(l), F.S. Companion to HB 7015. *S. Criminal Justice Committee*

SB 7034 OGSR/Safe Houses – Sexual Exploitation Victims: Reenacts without modification the public record exemption for information about the location of a safe house, safe foster home, or other residential facility serving victims of sexual exploitation. Also exempts information about the location of a residential facility offering services for adult victims of human trafficking involving commercial sexual activity. Stipulates that the

exemption does not apply to facilities licensed by the Agency for Health Care Administration (AHCA). Reenacts ss. 409.1678(6) and 787.06, F.S. Companion to HB 7013. *S. Criminal Justice Committee*

SB 7036 OGSR/Identifying Information –Sexual Exploitation Victims: Reenacts without modification the public record exemption for information that would identify a victim of sexual exploitation. Reenacts ss. 119.071(2)(h) and 943.053, F.S. Companion to HB 7019. *S. Criminal Justice Committee*

SB 7038 OGSR/Florida RICO Act Investigations: Reenacts without modification the public record exemption for information relating to a RICO Act violation until all investigations relating to such information are completed. Reenacts s. 895.06(7), F.S. Companion to HB 7005. *S. Criminal Justice Committee*

EDUCATION

HB 887 OGSR/Florida ABLE Program: Reenacts without modification and extends the sunset review period until 2025 the exemption for personal financial and health information of participants in the program held by the Florida Prepaid College Board, Florida ABLE Inc., or the Florida ABLE program, a DSO created to assist the disabled in saving money for college without losing their eligibility for state and federal benefits. Also extends the repeal date for the DSO until 2025. Reenacts s. 1009.058, F.S., and amends s. 20.058, F.S. *Rep. Ray Rodrigues (R-Fort Myers)*

- H. Higher Education and Career Readiness Subcommittee: Reported favorably by unanimous vote. Now in H. Education Committee.

EXAMINATIONS AND INVESTIGATIONS

HB 7023 OGSR/Child Abuse Death Review Committee: Identifying Information – Deceased Children: Reenacts, without modification, the exemption for information identifying the surviving siblings of a child whose death occurred as a result of a verified report of abuse or neglect held by the State Child Abuse Death Review Committee. Also exempts information held by the Committee that reveals the identity of a deceased child whose death was reported to the central abuse hotline but determined not to be the result of abuse or neglect. Portions of meetings during which the Committee discusses exempt information are exempt, as are all records associated with the meeting. Reenacts s. 383.412, F.S. Companion to SB 7002. *H. Oversight, Transparency and Public Management Subcommittee*

FINANCIAL INFORMATION

HB 7003 OGSR/Office of Financial Regulation – Payment Transaction Records: Reenacts without modification the public record exemption for payment transaction information identifying a licensee, payor, payee, or conductor contained in a database held by the Office of Financial Regulation (OFR), allowing OFR to release payment instrument transaction data in the aggregate. “Payment instrument” is statutorily defined as “a check, draft, warrant, money order, travelers check, electronic instrument, or other instrument, payment of money, or monetary value whether or not negotiable.” Reenacts s. 560.312, F.S. Companion to SB 7014. *H. Oversight, Transparency and Public Management Subcommittee*

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

HOME ADDRESSES

Bills to Watch: There is an unusually large number of home address exemptions filed this year – almost 20% of all bills filed to date. In our view, few of these exemptions are justified and we’ve seen little, if any, evidence of the need to protect home addresses and absolutely *no* evidence that those wishing to harm government employees or officers are making public record requests. Last year, the Legislature passed a law defining “home address” to include not only the physical address but also all property descriptors, including parcel identification numbers, GPS coordinates, etc. There are roughly three dozen home address exemptions in law and we’ve made the decision that enough is enough – unless there is evidence that a certain class of government employees is being threatened or harmed because of the work they do on our behalf, we are going to oppose all home address exemptions. Finally, it’s important to note that nearly all of the information made exempt by the home address exemptions is readily available from other publicly available sources.

SB 872 Exemption/Home Addresses – Florida Commission on Offender Review and School Administrators:

Creates a public record exemption for the home addresses, dates of birth, and telephone numbers of current and former members of the Florida Commission on Offender Review and certain Commission employees, as well as the names, home addresses, telephone numbers, dates of birth, and places of employment of their spouses and children, as well as the names and locations of schools and day care facilities attended by their children. Also creates an identical exemption for current school administrators and their families. Creates similar exemptions for school administrators and their families. Amends s. 119.071(4)(d)2., F.S. *Sen. Keith Perry (R-Gainesville)*

★ To see our letter on SB 872, click here: <http://bit.ly/2QWbXaE>

- S. Criminal Justice Committee: An amendment deleting the exemption for school administrators is adopted; reported favorably as a committee substitute by unanimous vote. Now in S. Governmental Oversight and Accountability Committee.

SB 878 Exemption/Home Addresses – Emergency Room Personnel: Creates a public record exemption for the home addresses, dates of birth, and telephone numbers of current or former emergency room health care practitioners. The bill also exempts the names, home addresses, telephone numbers, dates of birth, and places of employment of their spouses and children, as well as the names and locations of schools and day care facilities attended by their children. Amends s. 119.071(4)(d)2., F.S. Companion to HB 145. *Sen. Gayle Harrell (R-Stuart)*

★ To see our letter on SB 878, click here: <http://bit.ly/2FusqNO>

- S. Health Policy Committee: A minor amendment is adopted; reported favorably as a committee substitute by a vote of 9/1, with Sen. Berman voting no. Now in S. Governmental Oversight and Accountability Committee.

HB 1191 Exemption/Home Addresses – Legislators and Cabinet Members: Creates a public record exemption for the home addresses, dates of birth, and telephone numbers of current legislators and cabinet members. The bill also exempts the names, home addresses, telephone numbers, dates of birth, and places of employment of their spouses and children, as well as the names and locations of schools and day care facilities attended by their children. Amends s. 119.071(4)(d)2., F.S. Companion to SB 832. *Rep. Erin Grall (R-Vero Beach)*

★ To see our letter on HB 1191, click here: <http://bit.ly/2tcjWsi>

SB 7010 OGSR/Home Addresses – U.S. Military Personnel: Reenacts and modifies the public record exemption for home addresses, telephone numbers, and photographs of current or former service members of the U.S. Armed Forces, a reserve component of the Armed Forces, or the National Guard who served after September 11, 2001. Also exempts the home addresses, telephone numbers, photographs, and places of

employment of the spouses and children of such service members, and the names and locations of schools and day care facilities attended by their children. Requires such personnel to request confidentiality in writing. SB 7010 removes the requirement that those requesting the exemption take reasonable steps to protect such information from being accessible through other means available to the public and places the exemption on sunset review in 2025. Reenacts and amends s. 119.071(5)(k), F.S. Companion to HB 7027. *S. Military and Veteran Affairs and Space Committee*

- **S. Governmental Oversight and Accountability Committee**: A minor amendment to the constitutionally required statement of public necessity is adopted. Reported favorably as a committee substitute by a vote of 4/1 with Sen. Rader voting no. Now in S. Rules Committee.

HB 7027 OGSR/Home Addresses – U.S. Military Personnel: Reenacts and modifies the public record exemption for home addresses, telephone numbers, and photographs of current or former service members of the U.S. Armed Forces, a reserve component of the Armed Forces, or the National Guard who served after September 11, 2001. Also exempts the home addresses, telephone numbers, photographs, and places of employment of the spouses and children of such service members, and the names and locations of schools and day care facilities attended by their children. Requires such personnel to request confidentiality in writing. SB 7010 removes the requirement that those requesting the exemption take reasonable steps to protect such information from being accessible through other means available to the public and places the exemption on sunset review in 2025. Reenacts and amends s. 119.071(5)(k), F.S. Companion to SB 7010. *H. Oversight, Transparency and Public Management Subcommittee*

PERSONAL INFORMATION

SB 1188 Exemption/Department of Financial Services – Insurer Records: Creates a public record exemption for a consumer’s personal financial and health information and certain underwriting files made or received by the Department of Financial Services (DFS) when acting as a receiver pursuant to ch. 631, F.S. Also creates public record exemptions for (1) ORSA summary reports and supporting documents; (2) corporate governance annual disclosures and supporting documents; and (3) information obtained by DFS from the National Association of Insurance Commissioners or another governmental entity that is confidential and exempt. Creates s. 631.195, F.S. Companion to HB 1409. *Sen. Ben Albritton (R-Bartow)*

- **S. Banking and Insurance Committee**: Reported favorably by unanimous vote. Now in S. Governmental Oversight and Accountability Committee.

SB 1670 Consumer Data Privacy: Stipulates that public records containing personal identifying information can’t be used for marketing or solicitation purposes without the affirmative written consent of the subject of the record. Allows a consumer to prohibit a website operator from selling the consumer’s personal information collected by the website operator. Amends s. 119.01, F.S., and creates s. 501.062, F.S. Companion to HB 963. *Sen. Doug Broxson (R-Pensacola)*

PROPRIETARY INFORMATION

HB 799 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 799 stipulates that contracts or agreements to which an agency is a party and financial information related to such

contracts or agreements is *not* a trade secret. Creates s. 688.01, F.S. Companion to SB 1532. *Rep. Tommy Gregory (R-Bradenton)*

- H. Oversight, Transparency and Public Management Subcommittee: Reported favorably by unanimous vote. Now in H. Commerce Committee.

HB 801 Public Records – Trade Secrets: Repeals various trade secret exemptions, including 815.045, F.S. Stipulates that the bill will become law only upon passage of HB 799. Companion to SB 1535. *Rep. Tommy Gregory (R-Bradenton)*

- H. Oversight, Transparency and Public Management Subcommittee: A minor technical amendment is adopted; reported favorably as a committee substitute by unanimous vote. Now in H. Commerce Committee.

HB 1295 Exemption/Prescription Drug Affordability Commission: HB 1293 creates the Prescription Drug Affordability Commission for the purpose of reviewing prescription drug costs and requiring the Commission to set parameters for what is a trade secret. HB 1295 creates a public record exemption for information relating to a prescription drug price notice or review that the Commission determines is a trade secret. Also creates an exemption for portions of Commission meetings at which trade secrets are discussed. Amends s. 381.02033, F.S. *Rep. Margaret Good (D-Sarasota)*

PUBLIC SAFETY AND SECURITY

HB 821 Exemption/State Agencies - Information Technology Security: Expands the exemption under s. 282.318, F.S., to create a public record exemption for portions of records held by a state agency which contain network schematics, hardware and software configurations, or encryption, or which identify detection, investigation, or response practices for suspected or confirmed information technology security incidents. Also creates an exemption for portions of meetings at which exempt information is discussed, stipulating that the closed portions be recorded. Creates a public record exemption for the recordings and transcripts of the closed sessions. Allows access to certain governmental entities and by court order. Amends s. 282.318, F.S. Companion to SB 1170. *Rep. Jayer Williamson (R-Pace)*

- H. Oversight, Transparency and Public Management Subcommittee: A minor amendment is adopted; reported favorably as a committee substitute by unanimous vote. Now in H. State Affairs Committee.

SB 1060 Exemption/911 and E911 Communication Systems: Creates a public record exemption for building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, depicting the structural elements of 911 or E911 communication system infrastructure used to provide 911 and E911 communication systems owned and operated by an agency. Also creates a public record exemption for geographical maps indicating the actual or proposed locations of 911 and E911 communication systems owned and operated by an agency, allowing access under specified circumstances. Finally, creates an exemption for portions of meetings that would reveal exempt information. Amends ss. 119.071(3) and 286.0113, F.S. Companion to HB 755. *Sen. Perry Thurston (D-Fort Lauderdale)*

★ To see our letter on SB 1060, click here: <http://bit.ly/2FvWdfB>

- S. Innovation, Industry and Technology Committee: An amendment requiring that closed portions of meetings be recorded and transcribed is adopted; reported favorably as a committee substitute by a vote of 8/2, with Sens. Bradley and Brandes voting no. As amended, CS/SB 1060 creates a public record exemption for building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, depicting the structural elements of 911 or E911 communication system

infrastructure used to provide 911 and E911 communication systems owned and operated by an agency. Also creates a public record exemption for geographical maps indicating the actual or proposed locations of 911 and E911 communication systems owned and operated by an agency, allowing access under specified circumstances. Finally, creates an exemption for portions of meetings that would reveal exempt information, stipulating that all closed meetings must be recorded and transcribed and that no portion of the meeting is off the record. Creates a public record exemption for the meeting recordings and transcripts. Now in S. Governmental Oversight and Accountability Committee.

NOTE: The amendment to SB 1060 addresses concerns raised by the FAF and our position is now NEUTRAL.

SB 1170 Exemption/State Agencies - Information Technology Security: Expands the exemption under s. 282.318, F.S., to create a public record exemption for portions of records held by a state agency which contain network schematics, hardware and software configurations, or encryption, or which identify detection, investigation, or response practices for suspected or confirmed information technology security incidents. Also creates an exemption for portions of meetings at which exempt information is discussed, stipulating that the closed portions be recorded. Creates a public record exemption for the recordings and transcripts of the closed sessions. Allows access to certain governmental entities and by court order. Amends s. 282.318, F.S. Companion to HB 821. *Sen. Dennis Baxley (R-Lady Lake)*

- S. Innovation, Industry and Technology Committee: Reported favorably by a vote of 9/1, with Sen. Bradley voting no. Now in S. Governmental Oversight and Accountability Committee.

SB 7030 Exemption/Active Threat Assessment and Threat Management Records: Creates a public record exemption for active threat assessment and threat management records. “Threat assessment” is defined as the process of collecting and sharing active criminal intelligence or investigative information in a multidisciplinary effort to understand a targeted threat of violence; “threat management” is defined as the process of developing, implementing, and monitoring an individualized plan to intervene, mitigate, or prevent a targeted threat of violence. Stipulates that active criminal intelligence and investigative information shared with another agency in furtherance of its responsibilities pursuant to a multidisciplinary information-sharing agreement retains its exempt status. Amends s. 119.071(2), F.S. *S. Infrastructure and Security Committee*

TECHNOLOGY

HB 1393 Exemption/OFR – Financial Technology Sandbox Act: HB 1391 creates the Financial Technology Sandbox Act within the Office of Financial Regulation (OFR) to allow financial technology innovators to test new products and services in a supervised, flexible regulatory sandbox, using waivers of specified general law and rule requirements under defined conditions. HB 1393 creates a public record exemption for proprietary business information relating to the innovative financial technology products and services contained in a Financial Technology Sandbox application made available to the OFR. Also exempts the general law or rule requirements for which a waiver is sought, and the reasons why these requirements prohibit the innovative financial product or service from being made available to consumers, as well as the comprehensive records applicants are required to maintain under the Act. Amends s. 559.952, F.S. Companion to SB 1872. *Rep. J.W. Grant (R-Tampa)*

→**SB 1872 Exemption/OFR – Financial Technology Sandbox Act:** Companion to HB 1393. *Sen. Travis Hutson (R-Palm Coast)*

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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.