



## 2020 LEGISLATIVE REVIEW: PRE-SESSION REPORT

The following is a list of the bills we will track throughout the 2020 Legislative Session. As usual, we have selected those bills with open government and first amendment implications we think will be of interest to our members. After the summary of each open government bill, you will find an easily recognizable indication of whether the bill is good or bad. Under this system, bills we **support** will be in **green**, those we **oppose** in **red**. If we're **not sure** of a bill, it will be marked in **purple**. If a bill isn't marked, it means FAF is neutral. During session, we will report any activity on these bills, as well as any new legislation that may be filed, on a weekly basis. Bills are grouped by subject matter, listed in numerical order. We suggest you keep this pre-session report, as the weekly reports may not contain a complete description of all the bills. Our legislative reports are accessible on our website, [www.floridafaf.org](http://www.floridafaf.org).

Open Government Sunset Review (OGSR): Under the Open Government Sunset Review Act of 1995, all exemptions to the Sunshine Law and Public Records Law must be reviewed and reenacted by the Legislature five years after the date of enactment, or the exemption will automatically "sunset". The 2019 Legislature will be reviewing all exemptions created in 2015. Those bills will be included in our legislative reports and are designated "OGSR".

Bills to Watch: This feature will appear in all reports throughout session. After the analyses of those bills we think deserve extra attention, we will include a brief statement about the impact of the proposed legislation.

### AGRICULTURE and ANIMALS

**HB 549 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 § 379.1026, Florida Statutes. Companion to SB 812. *Rep. Toby Overdorf (R-Stuart)*

→ **SB 812 Exemption/Threatened or Endangered Species**: Companion to HB 549. *Sen. Travis Hutson (R-Palm Coast)*

**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 § 597.31, Florida Statutes. Companion to HB 905. *Sen. George Gainer (R-Panama City)*

→**HB 905 Exemption/DOACS – Aquaculture Records:** Companion to SB 786. *Rep. Lorraine Ausley (D-Tallahassee)*

**SB 806 Exemption/DOACS – Animal Health Records:** Creates public record exemptions for records created or received by the Department of Agriculture and Consumer Services (DOACS) or the State Veterinarian in connection with services provided that document: (1) the diagnosis, treatment or effect of an animal's medical condition; (2) the prescribing, dispensing, or administering of drugs, medicine, applications or treatment of an animal; and (3) a manual procedure for the diagnosis or treatment of an animal's pregnancy, fertility, or infertility. Also exempts under certain circumstances the name, home address, work address, telephone number, and email address of persons submitting the animal's medical record to DOACS, as well as the name of DOACS employees, contract employees who diagnosis or treat the animals. Amends § 585.61, Florida Statutes. Companion to HB 847. *Sen. George Gainer (R-Panama City)*

→**HB 847 Exemption/DOACS – Animal Health Records:** Companion to SB 806. *Rep. Chuck Brannan (R-Lake City)*

**SB 7008 OGSR/Animal Medical Records:** Reenacts, without modification, the public record exemption for medical records relating to (1) diagnosing the medical condition of any animal; (2) prescribing, dispensing, or administering drugs, medicine, and appliances; and (3) treatments for prevention, cure, or relief of a wound, fracture, bodily injury, or disease of any animal held by a state college of veterinary medicine. Reenacts § 474.2167, Florida Statutes. *S. Education Committee*

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

## COURT RECORDS

**HB 89 Adoption Records:** Allows the disclosure of the name and identity of a birth parent, adoptee, or adoptive parent contained in adoption records and proceedings without a court order if the birth parent, adoptee, or adoptive parent provides written authorizations for the release. Amends § 63.162, Florida Statutes. Companion to SB 302. *Rep. Richard Stark (D-Weston)* WATCH

- H. Health Quality Subcommittee: Reported favorably by unanimous vote.

→**SB 302 Adoption Records:** Companion to HB 89. *Sen. Kevin Rader (D-Boca Raton)* WATCH

**HB 267 Exemption/Notice of Consent – Minors:** HB 265 amends the Parental Notice of Abortion Act to also include parental consent before a physician performs an abortion on a minor. HB 267 expands the public record exemption for information identifying a minor seeking

a waiver of the parental notice requirement to also include waiver of the parental consent requirement. Amends § 390.01116, Florida Statutes. *Rep. Erin Grall (R-Vero Beach)*

- H. Health and Human Services Committee: Reported favorably by unanimous vote. Now on the House Calendar.

→**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 § 390.01118, Florida Statutes. Companion to HB 267. *Sen. Kelli Stargel (R-Lakeland)*

- S. Health Policy Committee: A minor amendment is adopted; reported favorably as a committee substitute by unanimous consent. Now in S. Governmental Oversight and Accountability Committee.

**HB 735 Wrongful Arrest Act**: In pertinent part, creates the Wrongful Arrest Act, requiring the Florida Department of Law Enforcement (FDLE) to adopt a rule requiring the destruction of any nonjudicial arrest record of a person who was 25 or younger at the time of the arrest if: (1) the arrest was a mistake; (2) charges were dismissed by a state attorney or court; (3) the defendant was acquitted at trial; or (4) the defendant was found not guilty. Creates § 943.05815, Florida Statutes. *Rep. Kimberly Daniels (D-Jacksonville)*

## CRIMINAL JUSTICE and LAW ENFORCEMENT

**HB 565 Expunction/Criminal History Records**: Allows for the expunction of a criminal history record despite a prior expunction if the prior expunction was granted when the person was a minor. Amends § 943.0585, Florida Statutes. Companion to SB 684. *Rep. Barbara Watson (D-Miami Gardens)*

→**SB 684 Expunction/Criminal History Records**: Companion to HB 565. *Sen. Jason Pizzo (D-Miami)*

- S. Judiciary Committee: An amendment is adopted; reported favorably as a committee substitute by unanimous vote. The CS/SB 684 permits a person who has had a prior expunction for a crime committed as a minor to have another expunction unless the prior expunction was for a crime in which the minor was charged as an adult. Now in S. Judiciary Committee.

**HB 931 Exemption/Active Criminal Investigative and Intelligence Information**: Expands the exemption for active criminal investigative and intelligence information to include information related to a good faith investigation of a claim of innocence in cases that previously resulted in a conviction. Amends § 119.011(3)(d), Florida Statutes. Companion to SB 1024. *Rep. Cord Byrd (R-Jacksonville Beach)*

→**SB 1024 Exemption/Active Criminal Investigative and Intelligence Information**: Companion to HB 931. *Sen. Aaron Bean (R-Jacksonville)*

**SB 938 Identity of Executioners:** Repeals the exemption for information that would identify an executioner and for anyone who prescribes or administers a lethal injection. Repeals § 945.10(1)(g), Florida Statutes. Companion to HB 6045. *Sen. Gary Farmer (D-Fort Lauderdale)*

→ **HB 6045 Identity of Executioners:** Companion to SB 938. *Rep. Joe Geller (D-Dania Beach)*

**SB 1292 Exemption/Juvenile NonJudicial Arrest Records:** Creates a public record exemption for a nonjudicial arrest record of a minor who has successfully completed a diversion program if that record was sealed or expunged. Amends § 943.0582, Florida Statutes. *Sen. Keith Perry (R-Gainesville)*

**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 § 895.06(7), Florida Statutes. *H. Oversight, Transparency and Public Management Subcommittee*

**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 §§ 409.1678(6) and 787.06, Florida Statutes. *H. Oversight, Transparency and Public Management Subcommittee*

**HB 7015 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; or (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 § 119.071(2)(l), Florida Statutes. *H. Oversight, Transparency and Public Management Subcommittee*

**HB 7019 OGSR/Identifying Information – Sexual Exploitation Victims:** Reenacts without modification the public record exemption for information that would identify a victim of sexual exploitation. Reenacts §§ 119.071(2)(h) and 943.053, Florida Statutes. *H. Oversight, Transparency and Public Management Subcommittee*

## EDUCATION

**HB 613 Higher Education – Intellectual Freedom and Viewpoint Diversity Assessment:** In pertinent part, requires each state college and university to conduct an annual assessment of the intellectual freedom and viewpoint diversity, including the extent to which competing ideas and perspectives are presented and whether members of the educational community feel free to express their beliefs and viewpoints on campus and in the classroom. Results of such assessments must be published each September. Amends §§ 1001.03 and 1001.706, Florida Statutes. *Rep. Ray Rodrigues (R-Fort Myers) WATCH*

**SB 774 Exemption/University President Searches:** Creates a public record exemption for information identifying applicants for president of a state university. Also creates an exemption for meetings held for the purpose of identifying or vetting such applicants, stipulating that the exemption does not apply to those meetings held for the purpose of establishing qualifications or determining compensation. Meetings held after a final group of applicants has been selected for the purpose of making a final selection will be open, and the names of the final group of applicants will be subject to disclosure no later than 21 days before the meeting at which the finalist will be selected. Creates § 1004.098, Florida Statutes. *Sen. Manny Diaz (R-Hialeah Gardens)*

★ To see our letter on SB 774, click here: <http://bit.ly/37LnfVR>

**SB 830 OGSR/Florida ABLÉ Program:** Reenacts, without modification, the exemption for personal financial and health information of participants in the program held by the Florida Prepaid College Board, Florida ABLÉ Inc., or the Florida ABLÉ program, a DSO created to assist the disabled in saving money for college without losing their eligibility for state and federal benefits. Reenacts § 1009.987, Florida Statutes. Companion to HB 887. *Sen. Lizbeth Benacquisto (R-Fort Myers)*

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

→**HB 887 OGSR/Florida ABLÉ 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 ABLÉ Inc., or the Florida ABLÉ 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 under § 20.058, Florida Statutes, until 2025. Reenacts § 1009.058, Florida Statutes, and amends § 20.058, Florida Statutes. *Rep. Ray Rodrigues (R-Fort Myers)*

## EXAMINATIONS AND INVESTIGATIONS

**HB 749 Exemption/Fraud, Identity Theft and Skimmer Advisory Task Force:** Stipulates that exempt law enforcement information obtained by the Fraud, Identity Theft and Skimmer Advisory Task Force (Task Force) retains its exempt status. Creates an exemption for portions of

meetings at which such exempt information is discussed. Creates § 570.233, Florida Statutes. Companion to SB 756. *Rep. Joy Goff-Marcil (D-Maitland)*

★ To see our letter on HB 749, click here: <http://bit.ly/2N8Wym1>

→**SB 756 Exemption/Fraud, Identity Theft and Skimmer Advisory Task Force:**

Companion to HB 749. *Sen. Randolph Bracy (D-Orlando)*

★ To see our letter on SB 756, click here: <http://bit.ly/2QzeLv6>

**HB 863 Exemption/Unlawful Discrimination:** Creates a public record exemption for investigative records related to complaints of discrimination based on height or weight until there's a probable cause determination or the investigation is no longer active. Amends §§ 119.071(2) and 119.0713, Florida Statutes. Companion to SB 1168. *Rep. Barbara Watson (D-Miami Gardens)*

→**SB 1168 Exemption/Unlawful Discrimination:** Companion to HB 863. *Sen. Oscar Braynon (D-Miami Gardens)*

**SB 7002 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 whose death was 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 § 383.412, Florida Statutes. *S. Children, Families, and Elder Affairs Committee*

## 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 § 560.312, Florida Statutes. Companion to SB 7014. *H. Oversight, Transparency and Public Management Subcommittee*

- H. Insurance and Banking Subcommittee: Reported favorably by unanimous vote. Now in H. State Affairs Committee.

→**SB 7014 OGSR/Office of Financial Regulation – Payment Transaction Records:** Companion to HB 7003. *S. Banking and Insurance Committee*

## HOME ADDRESSES

**Bills to Watch:** There is an unusually large number of home address exemptions filed this year – almost 25% of all bills filed to date. In our view, few of these exemptions are justified and we have 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 have 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 is important to note that nearly all of the information made exempt by the home address exemptions is readily available from other publicly available sources, including multiple internet sources.

**HB 63 Exemption/Home Addresses – County Attorneys:** Creates a public record exemption for the home addresses, dates of birth, and telephone numbers of current or former county attorneys and assistant county attorneys. 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 § 119.071(4)(d)2., Florida Statutes. Companion to SB 248. *Rep. Randy Maggard (R-Zephyrills)*

★ To see our letter on HB 63, click here: <http://bit.ly/2tFzZyv>

→ **SB 248 Exemption/Home Addresses – County Attorneys:** Companion to HB 63. *Sen. Ed Hooper (R-Palm Harbor)*

★ To see our letter on SB 248, click here: <http://bit.ly/35CdJcZ>

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

**SB 128 Exemption/Home Addresses – Judicial Assistants:** Expands the exemption in section 119.071(4)(d)2.e., Florida Statutes, for the home addresses and other personal information of current or former Supreme Court justices, district court of appeal judges, circuit court judges, and county court judges to also include current or former judicial assistants. SB 128 creates a public record exemption for the home addresses, dates of birth, and telephone numbers of current or former judicial assistants. The bill also exempts the names, home addresses, telephone numbers, dates of birth, and places of employment of judicial assistants’ spouses and children, as well as the names and locations of schools and day care facilities attended by their children. Amends § 119.071(4)(d)2.e., Florida Statutes. Companion to HB 479. *Sen. Tom Wright (R-Port Orange)*

- ★ To see our letter on SB 128, click here: <http://bit.ly/2Fuskpg>
- S. Judiciary Committee: Reported favorably by unanimous vote.
  - S. Governmental Oversight and Accountability Committee: An amendment making the exemption retroactive is adopted; reported favorably as a committee substitute by unanimous vote. Now in S. Rules Committee.

→ **HB 479 Exemption/Home Addresses – Judicial Assistants**: Companion to SB 128. *Rep. Elizabeth Fetterhoff (R-DeLand)*

- ★ To see our letter on HB 479, click here: <http://bit.ly/2ugRX8g>
- H. Civil Justice Subcommittee: Reported favorably by unanimous vote. Now in H. Oversight, Transparency and Public Management Subcommittee.

**HB 145 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 § 119.071(4)(d)2., Florida Statutes. Companion to SB 878. *Rep. Michael Grieco (D-North Bay Village)*

- ★ To see our letter on HB 145, click here: <http://bit.ly/2T5hVIU>

→ **SB 878 Exemption/Home Addresses – Emergency Room Personnel**: Companion to HB 145. *Sen. Gayle Harrell (R-Stuart)*

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

**SB 832 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 § 119.071(4)(d)2., Florida Statutes. *Sen. Kelli Stargel (R-Lakeland)*

- ★ To see our letter on SB 832, click here: <http://bit.ly/2s5aGFC>

**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. Also exempts the names and locations of schools and day care facilities attended by their children. Creates an identical exemption for current school administrators and their families. Amends § 119.071(4)(d)2., Florida Statutes. *Sen. Keith Perry (R-Gainesville)*

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



**HB 893 Exemption/Home Addresses – Florida Commission on Offender Review:** 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. Also exempts the names and locations of schools and day care facilities attended by their children.

Amends § 119.071(4)(d)2., Florida Statutes. *Rep. Clovis Watson (D-Gainesville)*

★ To see our letter on HB 893, click here: <http://bit.ly/35zd4Cl>

**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. Reenacts and amends § 119.071(5)(k), Florida Statutes. *S. Military and Veteran Affairs and Space Committee*

## PERSONAL INFORMATION

**HB 629 Exemption/Certificates of Possession - Assault Weapons and Large-Capacity Magazines:** HB 627 prohibits the sale, transfer, or possession of assault weapon or large-capacity ammunition magazines and requires certificates of possession for such weapons or magazines lawfully possessed before July 1, 2021. HB 629 creates a public record exemption for personal identifying information of those issued a certificate of possession.

Creates § 790.301, Florida Statutes. *Rep. Carlos Guillermo Smith (D-Winter Park)*

**HB 769 Exemption/Local Business Taxes – Personal Information:** Creates a public record exemption for a taxpayer's financial and personal identifying information provided to a county or municipality in connection with the collection of local business taxes. Amends § 119.0713, Florida Statutes. Companion to SB 930. *Rep. Jay Trumbull (R-Panama City)*

→ **SB 930 Exemption/Local Business Taxes – Personal Information:** Companion to HB 769. *Sen. George Gainer (R-Panama City)*

**HB 963 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 § 119.01, Florida Statutes, and creates § 501.062, Florida Statutes. *Rep. David Santiago (R-Deltona)*

**SB 966 Exemption/Disaster Recovery Assistance:** Creates a public record exemption for records and information related to property photographs, financial documents, and financial information provided to a government agency by or on behalf of an applicant for the purpose of disaster recovery assistance. Amends § 119.071(5)(f), Florida Statutes. Companion to HB 1035. *Sen. George Gainer (R-Panama City)*

★ To see our letter on SB 966, click here: <http://bit.ly/36CBYCr>

→**HB 1035 Exemption/Disaster Recovery Assistance:** Companion to SB 966. *Rep. Holly Raschein (R-Key Largo)*

★ To see our letter on HB 1035, click here: <http://bit.ly/2FCSZAh>

**HB 1007 Exemption/Vessel Registration Records:** Expands the exemption under § 119.0712(2), Florida Statutes, for personal information contained in motor vehicle records held by the Department of Highway Safety and Motor Vehicles (DHSMV) to also exempt such information contained in vessel registration and title records. Also expands the public record exemption for email addresses held by the DHSMV to exempt cellular telephone numbers and extends the exemption to include county tax collectors as well as the DHSMV. Allows disclosure under certain, specified circumstances. Amends § 119.0712(2), Florida Statutes. Companion to SB 1030. *Rep. Susan Valdes (D-Tampa)*

→**SB 1030 Exemption/Vessel Registration Records:** Companion to HB 1007. *Sen. Kelli Stargel (R-Lakeland)*

**Bills to Watch:** The justification for the expanded exemption under § 119.0712(2), Florida Statutes, is thin at best. The federal Drivers Privacy Protection Act requires states to protect certain personal identifying information contained in motor vehicle records. The federal requirement does not require protection of such information contained in vessel records. It's a leap – to say the least – that because the information is protected in motor vehicle records, it must also be protected in vessel records. Much of the information protected by the exemption is available from any number of other publicly available sources, including public records, making the expansion unwarranted.

**HB 1053 Exemption/Camo Alert Voluntary Registry:** HB 1051 creates the Camo Alert Registry for at-risk veterans. HB 1053 creates a public record exemption for the names, addresses, telephone numbers, and other identifying information contained in the Camo Alert Voluntary Registry for at-risk veterans. Amends § 937.022, Florida Statutes. Companion to SB 1478. *Rep. Heather Fitzenhagen (R-Fort Myers)*

→**SB 1478 Exemption/Camo Alert Voluntary Registry:** Companion to HB 1053. *Sen. Victor Torres (D-Kissimmee)*

**HB 1099 Exemption/Department of Highway Safety and Motor Vehicles – Motor Vehicle and Vessel Records:** Expands the exemption under § 119.0712(2), Florida Statutes., for personal

information contained in a motor vehicle record to include personal information contained in vessel title and registration records. Prohibits disclosure of such personal information if requested by the subject of the record. Allows disclosure of the exempt information under certain circumstances and only if the recipient of the exempt information executes a memorandum of understanding with DHSMV prohibiting disclosure of the information to a third party. Also amends § 316.066, Florida Statutes, protecting the identity of those involved in a car crash for 60 days following the crash, to require those who are authorized to receive the exempt information to execute a similar memorandum of understanding. Also creates a public record exemption for a driver's identity, home and employment telephone numbers, home and employment addresses, and other personal information identifying the driver contained in traffic citations, allowing access under limited and specified conditions.

Amends §§ 119.0712(12); 316.066; and 316.650, Florida Statutes. *Rep. Matt Willhite (D-Royal Palm Beach)*

**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, Florida Statutes. 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 § 631.195, Florida Statutes. *Sen. Ben Albritton (R-Bartow)*

**HB 7001 OGSR/Department of Highway Safety and Motor Vehicles:** Reenacts, with a minor technical change, the public record exemption for email addresses collected by the Department of Highway Safety and Motor Vehicles. Reenacts § 119.0712(2)(c), Florida Statutes. Companion to SB 7022. *H. Oversight, Transparency and Public Management Subcommittee*

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

→**SB 7022 OGSR/Department of Highway Safety and Motor Vehicles:** Companion to HB 7001. *S. Infrastructure and Security Committee*

**SB 7004 OGSR/Tax Collectors – Email Addresses:** Reenacts, with minor technical changes, the public record exemption for a taxpayer's email address held by a tax collector for the purposes of sending tax notices or obtaining the taxpayer's consent to send tax notices.

Reenacts § 197.3225, Florida Statutes. Companion to HB 7007. *S. Finance and Tax Committee*

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

→**HB 7007 OGSR/Tax Collectors – Email Addresses:** Companion to SB 7004. *H. Oversight, Transparency and Public Management Subcommittee*

## PROPRIETARY INFORMATION

**HB 799 Exemption/Trade Secrets:** Creates a public record exemption for trade secrets held by any agency. "Trade secret" is defined in § 688.022, Florida Statutes., 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 of 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 are *not* a trade secret. Creates § 688.01, Florida Statutes. *Rep. Tommy Gregory (R-Bradenton)*

## PUBLIC MEETINGS

**HB 1097 Regional Planning Council Meetings:** Amends the Administrative Procedure Act to allow a voting member of a regional 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 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 § 120.525, Florida Statutes. Companion to SB 1398. *Rep. Joe Geller (D-Dania Beach)*

→**SB 1398 Regional Planning Council Meetings:** Companion to HB 1097. *Sen. Anitere Flores (R-Miami)*

**SB 1162 Truth in Government Act:** Creates the Truth in Government Act, requiring (in pertinent part) that a member of the public, testifying before a legislative committee or subcommittee, must take an oath that he or she will speak truthfully. As an alternative to the oath, a person wishing to speak before a legislative committee or subcommittee can complete and sign a speaker's card; by signing the card, the speaker affirms to tell the truth. A person who takes the oath or signs the speaker's card and then makes a statement he or she believes is not true commits a third-degree felony. Provides an exception for legislators and legislative staff, although staff can be disciplined for making a false statement. Creates § 11.1435, Florida Statutes. *Sen. Janet Cruz (D-Tampa)*

## PUBLIC RECORDS

**HB 195 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 § 119.07(1), Florida Statutes. Companion to SB 162. *Rep. Ray Rodrigues (R-Fort Myers)*

- H. Oversight, Transparency and Public Management Subcommittee: Reported favorably by unanimous vote.
- H. Civil Justice Subcommittee: Reported favorably by unanimous vote.

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

→ **SB 162 Public Records – Civil Actions**: Stipulates that if an agency files a request for declaratory judgment in response to a public record request and the court determines that the requested record is not exempt from disclosure, the court must award attorneys’ fees and court costs against the agency. However, if the court determines that the requested record *is* exempt, the requestor will be responsible for his or her own attorneys’ fees and court costs. Creates § 119.07(9), Florida Statutes. Companion to HB 195. *Sen. Keith Perry (R-Gainesville)*

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

**Bills to Watch**: Two years ago, the South Florida Water Management District filed a request for declaratory judgment in response to public record requests from a small non-profit, the Everglades Law Center, and a citizen activist, Maggy Hurchalla. These types of lawsuits force public record requestors into court to defend their right of access to public records – a right, it should be noted, guaranteed by the Florida Constitution. HB 195 aims to to end that predatory practice. SB 162 still puts a public record requestor at risk, and we would like to see Sen. Perry’s bill amended to conform to HB 195. **Please express your support for HB 195 to sponsor Rep. Rodrigues and ask Sen. Perry to amend his bill.**

**SB 196 Electronic Payment – Public Record Fees**: Requires all agencies to provide an electronic option for fees associated with a public record requests. Also requires clerks of court to provide an electronic option for payment of all fees, fines, and costs. Amends §§ 28.246 and 119.07, Florida Statutes. *Sen. Annette Taddeo (D-Miami)*

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

## PUBLIC SAFETY AND SECURITY

**HB 291 Exemption/Background Checks – Ammunition Sales**: HB 289 creates Jaime’s Law, requiring background checks of those purchasing ammunition. HB 291 creates a public record exemption for information relating to those who are purchasing ammunition. Amends § 790.065, Florida Statutes. Companion to SB 462. *Rep. Dan Daley (D-Sunrise)*

→ **SB 462 Exemption/Background Checks – Ammunition Sales**: Companion to HB 291. *Sen. Lauren Book (D-Plantation)*

**SB 492 Public Notice – Pollution**: Requires the Department of Environmental Protection (DEP) and local governments to publish notice of a “reportable pollution release” on publicly available

websites. Also requires DEP to mail notices to landowners under certain conditions. Provides a definition of “reportable pollution release.” Amends § 403.077, Florida Statutes. *Sen. Janet Cruz (D-Tampa) WATCH*

**HB 755 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 §§ 119.071(3) and 286.0113, Florida Statutes. Companion to SB 1060. *Rep. Bobby DuBose (D-Fort Lauderdale)*

★ To see our letter on HB 755, click here: <http://bit.ly/2QXFFvF>

→**SB 1060 Exemption/911 and E911 Communication Systems:** Companion to HB 755. *Sen. Perry Thurston (D-Fort Lauderdale)*

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

**HB 821 Exemption/State Agencies - Information Technology Security:** Expands the exemption under § 282.318, Florida Statutes, to create a public record exemption for portions of records, held by a state agency, that contain network schematics, hardware and software configurations, or encryption, or that 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 § 282.318, Florida Statutes. Companion to SB 1170. *Rep. Jayer Williamson (R-Pace)*

→**SB 1170 Exemption/State Agencies - Information Technology Security:** Companion to HB 821. *Sen. Dennis Baxley (R-Lady Lake)*

**SB 7030 Exemption/Threat Assessments and Threat Management Records:** Creates a public record exemption for active threat assessments and threat management records. Stipulates that active criminal intelligence and investigative information or other exempt information shared with another agency or governmental entity pursuant to a multidisciplinary information-sharing agreement retain their exempt status. Amends § 119.071(2), Florida Statutes. *S. Infrastructure and Security Committee*

## REDISTRICTING

**SB 252 Redistricting Plans:** Repeals the public record exemption for drafts and requests for drafts of a reapportionment or redistricting plans. Repeals § 11.0431, Florida Statutes. *Sen. Jose Javier Rodriguez (D-Miami)*

**Bills to Watch:** Sen. Rodriguez filed this same bill last year and it never got a hearing, so he is trying again. We do not know how or why this exemption was created, but it needs to be repealed. **Please express your support to Sen. Rodriguez for this very good bill.**

## REGULATED PROFESSIONS

**SB 928 Exemption/Interstate Medical Compact – Physician Information:** SB 926 enacts the Medical Licensure Compact, a multi-state agreement that establishes a national recognition system for the licensure of physicians, allowing physicians who receive multi-state licenses in another state to practice in Florida. By enacting the Compact, Florida is required to adopt model legislation created by the Interstate Medical Licensure Compact. SB 928 creates a public record exemption for a physician’s identifying information obtained from the “coordinated information system” under Section 8 of the compact held by the Department of Health or the Board of Medicine *unless* the state that originally reported the information authorizes disclosure by law. Specifically allows access to the physician’s name, licensure status, and license number. Also creates an exemption for meetings or portions of meetings of the Interstate Medical Licensure Compact Commission during which matters specifically exempted from disclosure by federal or state law are discussed, and exempts all records generated during the closed meetings. Creates § 456.4503 Florida Statutes. *Sen. Gayle Harrell (R-Stuart)*

**SB 1388 Exemption/Psychology Interjurisdictional Compact – Psychologist Information:** SB 1386 enacts the Psychology Interjurisdictional Compact, a multi-state agreement that establishes a national recognition system for the licensure of psychologists, allowing psychologists who receive multi-state licenses in another state to practice in Florida. By enacting the Compact, Florida is required to adopt model legislation created by the Psychology Interjurisdictional Compact. SB 1388 creates a public record exemption for a psychologist’s identifying information obtained from the “coordinated licensure information system” under Article IX of the compact held by the Department of Health or the Board of Psychology *unless* the state that originally reported the information authorizes disclosure by law. SB 1386 specifically allows access to the psychologist’s name, licensure status, and license number. Also creates an exemption for meetings or portions of meetings of the Psychology Interjurisdictional Compact Commission during which certain, specified matters are discussed, and exempts all records generated during the closed meetings. Creates § 490.0076, Florida Statutes. *Sen. Gayle Harrell (R-Stuart)*

## SOCIAL MEDIA

**SB 1266 Social Media Websites:** Creates the Stop Social Media Censorship Act, stipulating that the owner or operator of a social media website can be sued by a user of the website under certain conditions. *Sen. Joe Gruters (R-Sarasota)*

## VOTER INFORMATION

**SB 1200 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 §§ 98.065 and 98.093, Florida Statutes. *Sen. Joe Gruters (R-Sarasota) WATCH*

**SB 1354 Repeal/Voter Registration – Felons:** Repeals a public record exemption created last year for information related to a voter's prior felony conviction and whether the voter has had his or her voting rights restored. Repeals § 97.0585(1)(d), Florida Statutes. *Sen. Jeff Brandes (R-St. Petersburg)*

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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](http://www.floridafaf.org), for the most current legislative report.*