

LEGISLATIVE REPORT

•	Current action
CS	Committee Substitute
P	Passed both Chambers

For Period Ending January 24

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. CS/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. Rules Committee: A minor amendment is adopted; reported favorably as a committee substitute by a vote of 9/7. Now on the Senate Calendar. To see who voted how on CS/CS/SB 406, click here: <http://bit.ly/2RhqmPN>.

CRIMINAL JUSTICE and LAW ENFORCEMENT

HB 1173 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 SB 1292. *Rep. Clovis Watson (D-Gainesville)*

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

SB 1506 Exemption/Expunged Criminal History Records – Driver Licenses: Creates a public record exemption for expunged criminal history records related to driving with a revoked, canceled, or suspended driver license 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. 943.0587. *Sen. Jeff Brandes (R-St. Petersburg)*

SB 1708 Inmate Reports: Requires the Department of Corrections to report, and update quarterly, the following information obtained from detention facilities: (1) the average number of days between an inmate's request for medical services and his or her receipt of such services; (2) information related to outbreaks of communicable diseases; (3) the number of incidents involving use of force; (4) the number of abuse complaints; (5) the number of disciplinary reports written, including the basis for the violations; (6) the specific causes of death for inmates who are in the custody of the department at the time of their death; (7) the number of inmate suicides; (8) the average monthly temperature inside each dorm; (8) the ratio of inmates to the number of correctional officers; and (9) the attrition rate for correctional officers. Amends s. 945.041, F.S. *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. Companion to SB 7038. *H. Oversight, Transparency and Public Management Subcommittee*

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

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

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 s. 119.071(2)(l), F.S. Companion to 7032. *H. Oversight, Transparency and Public Management Subcommittee*

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

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 ss. 119.071(2)(h) and 943.0583, F.S. Companion to S. 7036. *H. Oversight, Transparency and Public Management Subcommittee*

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

ETHICS AND ELECTIONS

SB 1850 Voting Conflicts: Section 112.3142, F.S., prohibits a public officer from voting on any issue that would benefit the officer. SB 1850 requires that the officer publicly announce at the meeting where the vote is taken

the nature of the conflict, as well as when and how the officer became aware of the conflict. Amends s. 112.3143, F.S. *Sen. Jose Javier Rodriguez (D-Miami) WATCH*

FINANCIAL INFORMATION

SJR 1502 Information About Counties and Municipalities: Requires the Chief Financial Officer to annually provide information about counties and municipalities to residents in such a way as to allow comparison of economic and noneconomic factors of each local government. Amends Art. IV, s. 4, Fla. Con. *Sen. Manny Diaz (R-Hialeah Gardens)*

SB 7014 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 HB 7003. *S. Banking and Insurance Committee*

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

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 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 s. 119.071(4)(d)2., F.S. Companion to HB 1191. *Sen. Kelli Stargel (R-Lakeland)*

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

- S. Ethics and Elections Committee: Reported favorably by a vote of 4/3, with Sens. Braynon, Powell, and Rodriguez voting no. Now in S. Governmental Oversight and Accountability Committee.

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 s. 119.071(4)(d)2., F.S. Companion to SB 872. *Rep. Clovis Watson (D-Gainesville)*

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

- H. Criminal Justice Subcommittee: Reported favorably by a vote of 14/1, with Rep. Sabatini voting no. Now in H. Oversight, Transparency and Public Management Subcommittee.

PERSONAL INFORMATION

SB 1030 Exemption/Vessel Registration Records: Expands the exemption under s. 119.0712(2), F.S., 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 also 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 s. 119.0712(2), F.S. Companion to HB 1007. *Sen. Kelli Stargel (R-Lakeland)*

★ To see our letter on SB 1030, click here: <http://bit.ly/2GhQNPc>

- S. Infrastructure and Security Committee: A minor amendment is adopted; reported favorably as a committee substitute by a vote of 6/1, with Sen. Taddeo voting no. Now in S. Governmental Oversight and Accountability Committee.

SB 7022 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 s. 119.0712(2)(c), F.S. Companion to HB 7001. *S. Infrastructure and Security Committee*

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

PUBLIC MEETINGS

HB 1097 Regional Planning Council Meetings: Amends the Administrative Procedures 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 s. 120.525, F.S. Companion to SB 1398. *Rep. Joe Geller (D-Dania Beach)*

- H. Local, Federal and Veterans Affairs Subcommittee: Reported favorably by unanimous vote. Now in H. State Affairs Committee.

SB 1398 Regional Planning Council Meetings: Amends the Administrative Procedures 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 s. 120.525, F.S. Companion to HB 1097. *Sen. Anitere Flores (R-Miami)*

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

PUBLIC RECORDS

HB 1455 Records Management Liaison/Division of Library and Information Services: Revises statutes relating to the Division's authority to create rules relating to the retention and storage of public records. Importantly, requires the Division to designate a records management liaison officer to serve as the primary point of contact between an agency and the Division for records management purposes. Amends s. 257.35, F.S. Companion to SB 1570. *Rep. Ana Maria Rodriguez (R-Doral)* WATCH

→ **SB 1570 Records Management Liaison/Division of Library and Information Services:** Companion to HB 1455. *Sen. Keith Perry (R-Gainesville)* WATCH

PUBLIC SAFETY AND SECURITY

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 ss. 119.071(3) and 286.0113, F.S. Companion to SB 1060. *Rep. Bobby DuBose (D-Fort Lauderdale)*

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

- H. Energy and Utilities Subcommittee: A lengthy amendment is adopted; reported favorably as a committee substitute by unanimous vote. As amended, CS/HB 755 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 the entire closed meeting must be on the record; that all exempt meetings must be recorded and transcribed; and creates an exemption for the recordings and transcripts of the closed meeting. Now in H. Oversight, Transparency and Public Management Subcommittee.

Note: The amendment to HB 755 addresses concerns raised by FAF and our position on the bill has changed to Neutral.

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 s. 119.071(5)(f), F.S. Companion to HB 1035. *Sen. George Gainer (R-Panama City)*

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

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

REGULATED PROFESSIONS

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. 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 s. 490.0076, F.S. *Sen. Gayle Harrell (R-Stuart)*

- Senate: Withdrawn from consideration.

» «

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 all 2020 legislative reports.