

## LEGISLATIVE REPORT

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•	Current action
CS	Committee Substitute
P	Passed both Chambers

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**For Period Ending January 31**

## 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 s. 63.162, F.S. Companion to SB 302. *Rep. Richard Stark (D-Weston)* WATCH

- H. Civil Justice Subcommittee: Reported favorably by unanimous vote. Now in H. Health and Human Services Committee.

**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. Special Order Calendar: Rolled to third reading for passage by the Senate.

## 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)* WATCH

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

**CS/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. SB 700 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)* WATCH

- S. Appropriations Criminal and Civil Justice Subcommittee: Reported favorably by a unanimous vote. Now in S. Appropriations Committee.

**SB 1024 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 s. 119.011(3)(d), F.S. Companion to HB 931. *Sen. Aaron Bean (R-Jacksonville)*

- S. Criminal Justice Committee: A strike all amendment is adopted; reported favorably as a committee substitute by unanimous vote. As amended, CS/SB 1024 creates a public record exemption for postconviction reinvestigation information, defined as information compiled by or at the request of a state attorney for the purpose of making an evidence-based determination as to whether someone is innocent of the crime he or she was convicted of committing. Now in S. Governmental Oversight 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)*

- S. Criminal Justice Committee: An amendment making the information confidential and exempt rather than exempt is adopted; reported favorably by unanimous vote. Now in S. Governmental Oversight and Accountability Committee.

**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)*

- S. Criminal Justice Committee: An amendment making the information confidential and exempt rather than exempt is adopted; reported favorably as a committee substitute. Now in S. Governmental Oversight and Accountability Committee.

**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)*

★ To see our letter on SB 1802, click here: <http://bit.ly/2O6Nhva>

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

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

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

**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*

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

- S. Governmental Oversight and Accountability Committee: Reported favorably by unanimous vote. Now in S. Rules 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 943.0583, F.S. Companion to HB 7019. *S. Criminal Justice Committee*

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

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

## EDUCATION

**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 s. 1004.098, F.S. *Sen. Manny Diaz (R-Hialeah Gardens)*

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

- S. Education Committee: Reported favorably by a vote of 6/1, with Sen. Berman voting no. Now in S. Governmental Oversight and Accountability Committee.

**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. 1009.987, F.S., and amends s. 20.058, F.S. *Rep. Ray Rodrigues (R-Fort Myers)*

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

## 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 s. 570.233. Companion to SB 756. *Rep. Joy Goff-Marcil (D-Maitland)*

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

- H. Criminal Justice Subcommittee: An amendment requiring recording and transcription of the closed portions of task force meetings is adopted; reported favorably as a committee substitute by a vote of 7/1, with Rep. Sabatini voting no. As amended, CS/HB 749 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, requiring all exempt portions of meetings be recorded and transcribed. Creates a public record exemption for the recordings and transcripts unless a court determines that the meeting was not restricted to discussion of exempt information. Now in H. State Affairs Committee.

NOTE: The amendment adopted by the H. Criminal Justice Subcommittee addresses concerns raised by the FAF and our position on the bill is now Neutral.

**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 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. *S. Children, Families, and Elder Affairs Committee*

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

**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*

- H. Children, Families and Seniors Subcommittee: Reported favorably by unanimous vote. Now in H. State 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 s. 560.312, F.S. Companion to SB 7014. *H. Oversight, Transparency and Public Management Subcommittee*

- H. Special Order Calendar: Passed unanimously by the House. Now in Senate Messages.

**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.

**CS/SB 128 Exemption/Home Addresses – Judicial Assistants:** Expands the exemption in s. 119.071(4)(d)2.e., F.S., for the home addresses, etc., 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 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.e., F.S. Companion to HB 479. *Sen. Tom Wright (R-Port Orange)*

★ To see our letter on SB 128, click here: <http://bit.ly/2Fuskpg>

- S. Rules Committee: Reported favorably by a vote of 13/3, with Sens. Bradley, Brandes, and Rodriguez voting no. Now on the Senate Calendar.

**SB 248 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 s. 119.071(4)(d)2., F.S. Companion to HB 63. *Sen. Ed Hooper (R-Palm Harbor)*

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

- S. Rules Committee: Reported favorably by a vote of 12/3, with Sens. Bradley, Brandes, and Rodriguez voting no. Now on the Senate Calendar.

**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 s. 119.071(5)(k), F.S. *S. Military and Veteran Affairs and Space Committee*

- S. Rules Committee: Temporarily postponed after comments from Sens. Bradley and Brandes questioning the scope of the exemption. Remains in the Senate 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*

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



## PERSONAL INFORMATION

**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 s. 119.0712(2)(c), F.S. Companion to SB 7022. *H. Oversight, Transparency and Public Management Subcommittee*

- H. Special Order Calendar: Passed unanimously by the House. Now in Senate Messages.

**HB 7007 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 s. 197.3225, F.S. Companion to SB 7004. *H. Oversight, Transparency and Public Management Subcommittee*

- H. Ways and Means Committee: Reported favorably by unanimous vote. Now in H. State Affairs Committee.

## 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. 688.002, 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. Commerce Committee: Reported favorably by unanimous vote. Now in H. State Administration 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 1534. *Rep. Tommy Gregory (R-Bradenton)*

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

## REGULATED INDUSTRIES AND 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 s. 456.4503 F.S. *Sen. Gayle Harrell (R-Stuart)*

- S. Health Policy Committee: Two minor amendments are adopted. Reported favorably as a committee substitute by unanimous vote. Now in S. Governmental Oversight and Accountability Committee.

**HB 1409 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 SB 1188. *Rep. Michael Grant (R-Port Charlotte)*

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

## VOTER INFORMATION

**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 s. 97.0585(1)(d), F.S. *Sen. Jeff Brandes (R-St. Petersburg)*

- S. Ethics and Elections Committee: Reported favorably by unanimous vote. Now in S. Judiciary Committee.

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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 current legislative report.*