

LEGISLATIVE REPORT

●	Current action
CS	Committee Substitute
P	Passed both Chambers

For Period Ending February 7

AGRICULTURE

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 s. 379.1026. Companion to SB 812. *Rep. Toby Overdorf (R-Stuart)*

- H. Agriculture and Natural Resources Subcommittee: A strike all amendment making minor changes is adopted; reported favorably as a committee substitute by unanimous vote. Now in H. Oversight, Transparency and Public Management Subcommittee.

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

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 s. 585.61, F.S. Companion to HB 847. *Sen. George Gainer (R-Panama City)*

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

CS/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. Specifies that the exemption does not apply to animals in captivity. Creates s. 379.1026. Companion to HB 549. *Sen. Travis Hutson (R-Palm Coast)*

- S. Governmental Oversight and Accountability Committee: A strike-all amendment making minor technical changes is adopted; reported favorably as a committee substitute by unanimous vote. Now in S. Rules Committee.

HB 7075 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 s. 474.2167. Companion to SB 7008. *H. Oversight, Transparency and Public Management Subcommittee*

COURT RECORDS

SB 302 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 HB 89. *Sen. Kevin Rader (D-Boca Raton) WATCH*

- S. Children, Families and Elder Affairs Committee: A minor amendment is adopted; reported favorably as a committee substitute by unanimous vote. Now in S. Judiciary 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)*

- Senate: Passed the Senate by a vote of 39/1, with Sen. Farmer voting no. Now in House Messages.

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. 985.126, F.S. Companion to SB 700. *Rep. Clovis Watson (D-Gainesville) WATCH*

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

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 s. 943.0585, F.S. Companion to SB 684. *Rep. Barbara Watson (D-Miami Gardens)*

- H. Criminal Justice Subcommittee: A minor amendment is adopted. Reported favorably as a committee substitute by unanimous vote. Now in H. Justice Appropriations Subcommittee.

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 s. 119.011(3)(d), F.S. Companion to SB 1024. *Rep. Cord Byrd (R-Jacksonville Beach)*

- H. Criminal Justice Subcommittee: A strike all amendment is adopted; reported favorably as a committee substitute by unanimous vote. As amended, CS/HB 931 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 H. State Affairs Committee.

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. Oversight, Transparency and Public Management Subcommittee: Reported favorably. Now in H. Judiciary Committee.

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

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)*

- S. Criminal Justice Committee: A strike all amendment making minor technical changes is adopted. Reported favorably as a committee substitute by unanimous vote. Now in S. Governmental Oversight and Accountability Committee.

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*

- House Special Order Calendar: Rolled to third reading and passed unanimously by the House. Now in Senate Messages.

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*

- House Special Order Calendar: Rolled to third reading and passed unanimously by the House. Now in Senate Messages.

EDUCATION

HB 7081 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. Companion to SB 774. *H. State Administration*

★ To see our alert on HB 7081, click here: <https://floridafaf.org/University-Presidents-2.5.2020.pdf>

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*

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

PERSONAL INFORMATION

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 s. 197.3225, F.S. Companion to HB 7007. *S. Finance and Tax Committee*

- S. Rules Committee: Reported favorably by a vote of 15/1, with Sen. Bradley voting no. Now on the Senate Calendar.

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

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. Rules Committee: Reported favorably by a vote of 15/1, with Sen. Bradley voting no. Now on the Senate Calendar.

PUBLIC MEETINGS

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

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

SB 1570 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 HB 1455. *Sen. Keith Perry (R-Gainesville)* WATCH

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

PUBLIC SAFETY AND SECURITY

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

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

HB 1035 Exemption/Disaster Recovery Assistance: Creates a public record exemption for records and information related to property photographs, financial documentation, 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 SB 966. *Rep. Holly Raschein (R-Key Largo)*

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

- H. Oversight, Transparency and Public Management Subcommittee: A strike all amendment adding a definition of “financial documentation” and narrowing the exemption to property photographs and financial documentation is adopted. Reported favorably as a committee substitute by unanimous vote. Now in H. State Affairs Committee.

CS/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, 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. Amends ss. 119.071(3) and 286.0113, F.S. Companion to HB 755. *Sen. Perry Thurston (D-Fort Lauderdale)*

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

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

SB 7048 Exemption/Emergency Public Shelters: Creates a public record exemption for the names, addresses, and telephone numbers of persons using public shelters during an emergency. Amends s. 252.385, F.S., *S. Infrastructure and Security Committee*

★ To see our letter on SB 7048, click here: <http://bit.ly/393UDYr>

REGULATED INDUSTRIES AND PROFESSIONS

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. Governmental Oversight and Accountability Committee: An amendment making changes to the constitutionally required statement of public necessity is adopted. Reported favorably as a committee substitute by unanimous vote. Now in S. Rules Committee.

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)*

- Withdrawn from consideration.

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. Oversight, Transparency and Public Management Subcommittee: A strike all amendment making the protected information confidential and exempt is adopted; reported favorably as a committee substitute by unanimous vote. Now in H. Commerce 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)*

- H. Insurance and Banking Subcommittee: An amendment deleting the exemption for the general law or rule requirements for which the waiver is sought is adopted. As amended, CS/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 reasons why general laws or rule 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. Reported favorably as a committee substitute by unanimous vote. Now in H. State Affairs Committee.

TRANSPARENCY

HB 7069 Local Government Reporting: Requires all counties and cities to annually report specific financial and economic information to the Department of Financial Services (DFS). Requires DFS to create a website for publication of the reported information and to distribute an annual report on local government financial information to residents. Amends ss. 129.02; 166.241; and creates 218.323, F.S. Companion to SB 1512. *H. State Administration WATCH*

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. Judiciary Committee: Reported favorably by unanimous vote. Now in S. Rules Committee.

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