

## LEGISLATIVE REPORT

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•	Current action
CS	Committee Substitute
P	Passed both Chambers

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For Period Ending February 14

### ANIMALS AND AGRICULTURE

**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*

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

### CRIMINAL JUSTICE and LAW ENFORCEMENT

**CS/HB 931 Exemption/Active Criminal Investigative and Intelligence Information:** 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. Amends s. 119.071(2), F.S. Companion to SB 1024. *Rep. Cord Byrd (R-Jacksonville Beach)*

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

**CS/SB 1024 Exemption/Active Criminal Investigative and Intelligence Information:** 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. Amends s. 119.071(2), F.S. Companion to HB 931. *Sen. Aaron Bean (R-Jacksonville)*

- S. Governmental Oversight and Accountability Committee: A strike all amendment making minor changes is adopted. Reported favorably by unanimous vote. Now in S. Rules 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. Judiciary Committee: Reported favorably by unanimous vote. Now on the House Calendar.

**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. Rules Committee: Reported favorably by unanimous vote. Now on the Senate Calendar.

**CS/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. CS/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 of 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. Governmental Oversight and Accountability Committee: A strike all amendment limiting who may attend the closed meetings of the Conditional Aging Inmate Release Program review committee is adopted; reported favorably as a committee substitute by unanimous vote. Now in S. Rules Committee.

**CS/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. CS/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. Governmental Oversight and Accountability Committee: A strike all amendment limiting who may attend the closed meetings of the Conditional Medical Inmate Release Program review committee is adopted; reported favorably as a committee substitute by unanimous vote. Now in S. Rules Committee.

**CS/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. CS/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. Governmental Oversight and Accountability Committee: A substantive amendment is adopted; reported favorably as a committee substitute by unanimous vote. As amended, CS/SB 1802 creates an

exemption for portions of Task Force meetings at which exempt information is discussed, stipulating that closed meetings of the Task Force be recorded in their entirety. Also creates a public record exemption for the recordings of the closed meetings. Now in S. Rules Committee.

**Note:** The amendment adopted in the S. Governmental Oversight and Accountability Committee addresses concerns raised by FAF and our position on the bill is now neutral.

**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. Rules Committee: Reported favorably by unanimous vote. Now on the Senate Calendar.

**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. Rules Committee: Reported favorably by unanimous vote. Now on the Senate Calendar.

## EDUCATION

**SB 830 OGSR/Florida ABLE 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 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. Reenacts s. 1009.987, F.S. Companion to HB 887. *Sen. Lizbeth Benacquisto (R-Fort Myers)*

- S. Rules Committee: Reported favorably by unanimous vote. Now on the Senate Calendar.

## HOME ADDRESSES

**Bills to Watch:** There is an unusually large number of home address exemptions filed this year, adding to the four-dozen current home address exemptions. 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. Given the large number of exemptions currently in law and those proposed this year, 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 7010 OGSR/Home Addresses – U.S. Military Personnel:** Reenacts and modifies the public record exemption for home addresses, telephone numbers, and photographs of current or former service members of the U.S. Armed Forces, a reserve component of the Armed Forces, or the National Guard who served after September 11, 2001. Also exempts the home addresses, telephone numbers, photographs, and places of employment of the spouses and children of such service members, and the names and locations of schools and day care facilities attended by their children. Requires such personnel to request confidentiality in writing. SB 7010 removes the requirement that those requesting the exemption take reasonable steps to protect such information from being accessible through other means available to the public and places the exemption on

sunset review in 2025. Reenacts and amends s. 119.071(5)(k), F.S. Companion to HB 7027. *S. Military and Veteran Affairs and Space Committee*

- S. Rules Committee: Consideration temporarily postponed. Remains in the S. Rules Committee.

## 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*

- Senate: Passed the Senate by a vote of 37/1, with Sen. Gruters voting no. Now in House Messages.

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

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

## PUBLIC MEETINGS

**SB 1398 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 s. 120.525, F.S. Companion to HB 1097. *Sen. Anitere Flores (R-Miami)*

- S. Rules Committee: An amendment unrelated to meetings of regional planning councils is amended and adopted. Reported favorably as a committee substitute by unanimous vote. Now on the Senate Calendar.

## 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. Transportation and Tourism Appropriations Subcommittee: Reported favorably by unanimous vote. Now in H. State Administration 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. Transportation, Tourism, and Economic Development Subcommittee: Reported favorably by unanimous vote. Now in S. Appropriations Committee.

## PUBLIC SAFETY AND SECURITY

**CS/HB 755 Exemption/911 and E911 Communication Systems**: Creates a public record exemption for building plans, blueprints, and 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, including upon court order and a showing of good cause. 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. Commerce Committee: A strike all amendment making minor changes to the bill is adopted. Reported favorably as a committee substitute by unanimous vote. Now on the House Calendar.

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

- H. State Affairs Committee: A minor technical amendment is adopted. Reported favorably as a committee substitute. Now on the House Calendar.

**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)*

- S. Governmental Oversight and Accountability Committee: A strike-all amendment narrowing the exemption and providing a definition of "financial documents" is adopted. Reported favorably by unanimous vote. As amended, CS/SB 966 creates a public record exemption for property photographs and financial documentation provided to a government agency by or on behalf of an applicant for

disaster recovery assistance for a presidentially declared disaster. Amends s. 119.071(5), F.S. Now in the S. Rules Committee.

## REGULATED INDUSTRIES AND PROFESSIONS

**CS/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. Companion to HB 1269. *Sen. Gayle Harrell (R-Stuart)*

- S. Governmental Oversight and Accountability Committee: Reported favorably by unanimous vote. Now in S. Rules 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. Commerce Committee: Reported favorably by unanimous vote. Now on the House Calendar.

## TECHNOLOGY

**SB 1872 Exemption/OFR – Financial Technology Sandbox Act:** SB 1870 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. SB 1872 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 HB 1393. *Sen. Travis Hutson (R-Palm Coast)*

- S. Governmental Oversight and Accountability Committee: Two amendments making significant changes are adopted; reported favorably as a committee substitute by unanimous vote. As amended, CS/SB 1872 creates a public record exemption for the reasons why a waiver of the general law or rule requirements is sought. Also creates an exemption for the comprehensive records successful applicants are required to maintain under the Act. Now in S. Rules Committee.

## TRANSPARENCY

**SJR 1502 Information About Counties and Municipalities:** Proposes an amendment to the state constitution requiring 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. Companion to HB 7061. *Sen. Manny Diaz (R-Hialeah Gardens)*

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

→ **HJR 7061 Information About Counties and Municipalities:** Companion to SJR 1502. *H. State Administration*

**SB 1512 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. 129.03; 166.241; and creates 218.323, F.S. Companion to HB 7069. *Sen. Manny Diaz (R-Hialeah Gardens)*

- S. Community Affairs Committee: Reported favorably by unanimous vote. Now in the S. Agriculture, Environment and General Government Appropriations Subcommittee.

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