

LEGISLATIVE REPORT

•	Current action
CS	Committee Substitute
P	Passed both Chambers

For Period Ending February 21

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. Health and Human Services Committee: A minor amendment is adopted; reported favorably as a committee substitute by unanimous vote. Now on the House Calendar.

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

HB 267 Exemption/Notice of Consent – Minors: HB 265 amends the Parental Notice of Abortion Act to also include parental consent before a physician performs an abortion on a minor. HB 267 expands the public record exemption for information identifying a minor seeking a waiver of the parental notice requirement to also include waiver of the parental consent requirement. Amends s. 390.01116, F.S. *Rep. Erin Grall (R-Vero Beach)*

- House: Tabled; CS/SB 406 substituted. See CS/SB 406.

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)*

- House: Passed the House by a vote of 112/3, with Reps. Eskamani, Gottlieb, and Valdes voting no. PASSED THE LEGISLATURE.

CRIMINAL JUSTICE and LAW ENFORCEMENT

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. CS/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 Committee: A minor technical amendment is adopted; reported favorably as a committee substitute by unanimous vote. Now on the Senate Calendar.

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

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. Governmental Oversight and Accountability Committee: A strike all amendment making minor changes is adopted; reported favorably as a committee substitute by a vote of 3/1, with Sen. Torres voting no. Now in S. Rules Committee.

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>

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

FINANCIAL INFORMATION

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. 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.

CS/SB 872 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, 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. *Sen. Keith Perry (R-Gainesville)*

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

- S. Governmental Oversight and Accountability Committee: A minor title amendment is adopted. Reported favorably by unanimous vote. Now in S. Rules Committee.

CS/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. CS/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 of CS/SB 7010 was temporarily postponed with a narrowing amendment filed by Sen. Wright pending. The bill remains in the S. Rules Committee.

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*

- Senate: Substituted for SB 7022 and rolled to third reading for final passage.

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*

- Senate: Tabled; HB 7001 substitute. See HB 7001.

PUBLIC RECORDS

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

- S. Rules Committee: A strike all amendment is adopted; reported favorably as a committee substitute by unanimous vote. As amended, CS/SB 162 prohibits an agency from filing an action for declaratory relief against a person who has made a public record request to determine whether the requested records are exempt from public disclosure. Amends s. 119.07(1). Now on the Senate Calendar.

NOTE: The amendment to SB 162 addresses concerns raised by FAF and we now support CS/SB 162 and its companion, HB 195.

[Bills to Watch: Two years ago, the South Florida Water Management District filed a request for declaratory judgment in response to public record requests from a small non-profit, the Everglades Law Center, and a citizen activist, Maggy Hurchalla. These types of lawsuits force public record requestors into court to defend their right of access to public records – a right, it should be noted, guaranteed by the Florida Constitution. HB 195 and CS/SB 162 aim to end that predatory practice.](#)

PUBLIC SAFETY AND SECURITY

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>

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

SB 7056 Exemption/Active Threat Assessment and Management Records: Creates a public record exemption for active threat assessment and active threat management records as long as such records related to a good faith belief by law enforcement that the records or plans will lead to detection, reasonable anticipating, prevention, or monitoring of possible targeted violence. Stipulates that exempt active criminal intelligence and investigative information retains its exempt status when shared with another agency under a multi-disciplinary information-sharing agreement or another criminal justice agency in the furtherance of its official duties. Provides definitions. Amends s. 119.071(2), F.S. Similar to SB 7030. *S. Governmental Oversight and Accountability Committee*

REGULATED INDUSTRIES AND PROFESSIONS

CS/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. Rules Committee: A minor amendment is adopted. Reported favorably as a committee substitute by unanimous vote. Now on the Senate Calendar.

TECHNOLOGY

CS/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. 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 (1) the nature of the innovated financial product or service, including relevant technical details; (2) potential risks to consumers and methods to protect consumers and resolve complaints; (3) proposed business plans; (4) information regarding adequate financial and technical expertise and a sufficient plan to test, monitor and assess the innovate financial product or service; and (5) the financial responsibility of control persons. Amends s. 559.952, F.S. Companion to HB 1393. *Sen. Travis Hutson (R-Palm Coast)*

- S. Banking and Insurance Committee: A technical amendment addressing changes to SB 1870 is adopted. Reported favorably as a committee substitute by unanimous vote. 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. Governmental Oversight and Accountability Committee: Reported favorably by unanimous vote. Now in S. Rules 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, for current legislative report.