

## LEGISLATIVE REPORT

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•	Current action
CS	Committee Substitute
P	Passed both Chambers

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For Period Ending March 6

## AGRICULTURE AND ANIMAL RECORDS

**SB 7008 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. *S. Education Committee*

- S. Rules Committee: Reported favorably by unanimous vote.
- Senate: Tabled; HB 7075 substituted. See HB 7075.

**P 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*

- Senate: Substituted for SB 7008. Passed the Senate by unanimous vote. **PASSED THE LEGISLATURE**

## COURT RECORDS

**CS/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*

- House: Passed the House by unanimous vote. Now in Senate Messages.

**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. Rules Committee: Reported favorably by a vote of 16/1, with Sen. Farmer voting no. Now on the Senate Calendar.

## CRIMINAL JUSTICE and LAW ENFORCEMENT

**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, 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. Amends s. 943.6872, F.S. *Sen. Jason Pizzo (D-Miami)*

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

- Senate: Passed the Senate unanimously. **PASSED THE LEGISLATURE**

**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*

- House: Rolled to third reading for passage by the House.

**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. Rules Committee: Reported favorably by a vote of 14/2, with Sens. Farmer and Rodriguez voting no. 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)*

- Senate: Passed the Senate by unanimous vote. Now in House Messages.

**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>

- House: Passed the House by a vote of 99/20. Now in Senate Messages. To see the vote on HB 7081, click here: <http://bit.ly/39nuzbz>.

## EXAMINATIONS AND INVESTIGATIONS

### **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. Companion to HB 7023. *S. Children, Families, and Elder Affairs Committee*

- S. Rules Committee: Reported favorably by unanimous vote.
- Senate: Tabled; HB 7023 substituted. See HB 7023.

### **P 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*

- Senate: Substituted for SB 7002. Passed the Senate by unanimous vote. **PASSED THE LEGISLATURE**

## FINANCIAL INFORMATION

**P 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*

- Senate: Substituted for SB 7014. Passed the Senate by unanimous vote. **PASSED THE LEGISLATURE**

**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*

- Senate: Tabled; HB 7003 substituted. See HB 7003.

## 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 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)*

- Senate: Rolled to third reading for passage by the Senate.

**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>

- Senate: Passed the Senate unanimously. Now in House Messages.

**CS/SB 7010 OGSR/Home Addresses – U.S. Military Personnel:** Reenacts and narrows 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. CS/SB 7010 provides a 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 deployed overseas after September 11, 2001. Requires those seeking the protection of the exemption to (1) make a request in writing; (2) provide a copy of the servicemember’s Form DD 214 or a statement from a commanding officer that the servicemember deployed overseas; and (3) provide a statement that the servicemember has made reasonable efforts to protect identifying and locating information from being accessible through other means available to the

public. 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*

- Senate: Passed the Senate by a vote of 38/1, with Sen. Berman 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)*

- House: Passed the House by unanimous vote. Now in Senate Messages.

**CS/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)*

- House: Passed the House by unanimous vote. Now in Senate Messages.

### 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)*

- Senate: Passed the Senate by unanimous vote. Now in House Messages.

### PUBLIC SAFETY AND SECURITY

**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)*

- House: Rolled to third reading for passage by the House.

**CS/SB 966 Exemption/Disaster Recovery Assistance:** 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. Provides definitions. Amends s. 119.071(5), F.S. Companion to HB 1035. *Sen. George Gainer (R-Panama City)*

- Senate: A strike all amendment is adopted on second reading in the Senate. As amended, CS/SB 966 creates a public record exemption for property photographs and identifying information provided to specified government agencies by or on behalf of an applicant for disaster recovery assistance for a presidentially declared disaster. Passed the Senate unanimously. Now in House Messages.

**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. Rules Committee: A strike all amendment expanding the exemption to include public safety radio communication systems is adopted. Reported favorably as a committee substitute by unanimous vote.
- Senate: Passed the Senate unanimously. Now in House Messages.

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

**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. Rules Committee: Reported favorably by unanimous vote.
- Senate: Passed the Senate by unanimous vote. Now in House Messages.

**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*

- Senate: Passed the Senate unanimously. Now in House Messages.

## REGULATED INDUSTRIES AND PROFESSIONS

**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)*

- House: Rolled to third reading for passage by the House.

## TECHNOLOGY

**CS/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. 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. Amends s. 559.952, F.S. Companion to SB 1872. *Rep. J.W. Grant (R-Tampa)*

- H. State Affairs Committee: A strike all amendment narrowing the exemption is adopted. Reported favorably by unanimous vote. As amended, CS/HB 1393 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.
- House: A strike-all amendment is adopted on second reading. As amended, CS/HB 1393 creates a public record exemption for the reasons why a waiver of the general law or rule requirements is sought. Also creates public record exemptions for information provided for evaluation of information provided by the applicant for evaluation, including: (1) the nature of the proposed innovative financial product or service; (2) the business plan, including company information, marketing analysis, financial projections, and evidence of financial viability; and (3) whether the applicant has a sufficient plan to test, monitor, and assess the innovative financial product or service. Allows access by certain governmental entities for investigative purposes. Now on third reading for passage by the House.

**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. Rules Committee: Reported favorably by a vote of 16/1, with Sen. Brandes voting no. Now on the Senate Calendar.

## TRANSPARENCY

**HJR 7061 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 SJR 1502. *H. State Affairs WATCH*

- House: Passed the House by a vote of 90/23. Now in Senate Messages. To see the vote on HJR 7061, click here: <http://bit.ly/2uYpA24>.

**CS/HB 7069 Local Government Reporting:** Requires all counties and cities to annually report specific financial and economic information to DFS. Requires the creation of an interactive repository for county and municipalities and the distribution of an annual report card allowing for a comparison of community conditions and government performance metrics by January 2021. The report card must include grades on government spending; government debt; the cost of government; public safety; and education. Amends ss. 129.03; 166.241; and creates 218.323, F.S. Companion to SB 1512. *H. State Affairs WATCH*

- House: Passed the House by a vote of 83/34. Now in Senate Messages. To see the vote on CS/HB 7069, click here: <http://bit.ly/3arfOo3>.

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

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