

LEGISLATIVE REPORT

●	Current action
CS	Committee Substitute
P	Passed both Chambers

For Period Ending March 13

AGRICULTURE AND ANIMAL RECORDS

P CS/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)*

- Senate: Substituted for CS/SB 812 and passed the Senate by a vote of 38/1, with Sen. Gruters voting no. **PASSED THE LEGISLATURE**

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)*

- Senate: CS/SB 812 was tabled and CS/HB 549 substituted. See CS/HB 549.

COURT RECORDS

P 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

- Senate: CS/89 was substituted for CS/SB 302 and passed the Senate by a vote of 37/2, with Sens. Farmer and Gainer voting no. **PASSED THE LEGISLATURE**

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

- Senate: CS/SB 302 was tabled and CS/HB 89 substituted. See CS/HB 89.

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

- **Senate:** A strike-all amendment (1) creating the Accountability and Program Support program within the Department of Juvenile Justice; (2) repealing s. 985.686, F.S., relating to shared responsibility for juvenile detention; and (3) making minor modifications to s. 985.6865, F.S., regulating juvenile detention is adopted. Passed the Senate by unanimous vote.
- **House:** An amendment expanding an exception to eligibility requirement for expunction of a criminal history record to allow a prior expunction of a criminal history record granted for an offense committed when the person was a minor is adopted. Passed the House by unanimous vote and returned to the Senate.

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)*

- **House:** HB 1173 was tabled and SB 1292 substituted. See SB 1292.

P 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)*

- **House:** Passed the House by unanimous vote. **PASSED THE LEGISLATURE**

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

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

P 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*

- **Senate:** Substituted for SB 7038 and passed unanimously. **PASSED THE LEGISLATURE**

P 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 SB 7032. *H. Oversight, Transparency and Public Management Subcommittee*

- Senate: Substituted for SB 7032. Passed the House by a vote of 32/7. **PASSED THE LEGISLATURE**
To see the vote on HB 7015, click here: <http://bit.ly/2W8NWRW>

P 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 SB 7036. *H. Oversight, Transparency and Public Management Subcommittee*

- Senate: Substituted for SB 7036 and passed the Senate unanimously. **PASSED THE LEGISLATURE**

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*

- Senate: SB 7032 was tabled and HB 7015 substituted. See HB 7015.

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*

- Senate: SB 7036 was tabled and HB 7019 substituted. See HB 7019.

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*

- Senate: SB 7038 was tabled and HB 7005 substituted. See HB 7005.

EDUCATION

CS/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>

- Senate: CS/SB 774 was tabled and HB 7081 was substituted. See HB 7081.

P 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)*

- House: Substituted for HB 887 and passed the House unanimously. **PASSED THE LEGISLATURE**

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. 1009.987, F.S. *Rep. Ray Rodrigues (R-Fort Myers)*

- House: HB 887 was tabled and SB 830 substituted. See SB 830.

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>

- Senate: Substituted for CS/SB 774. An amendment is adopted on second reading. As amended, HB 7081 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 closed meeting must be recorded and 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. The amended bill was rolled to third reading and temporarily postponed.

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: Passed the Senate by a vote of 32/2, with Sens. Berman and Gruters voting no. Now in House Messages.

PERSONAL INFORMATION

P 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*

- House: Substituted for HB 7007 and passed the House unanimously. **PASSED THE LEGISLATURE**

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*

- House: HB 7007 was tabled and SB 7004 substituted. See SB 7004.

PUBLIC MEETINGS

HB 1097 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 SB 1398. *Rep. Joe Geller (D-Dania Beach)*

- House: HB 1097 was tabled and SB 1398 substituted. See SB 1398.

P 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)*

- House: Substituted for HB 1097. Passed the House unanimously. **PASSED THE LEGISLATURE**

PUBLIC RECORDS

CS/SB 162 Public Records – Civil Actions: 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), F.S. Companion to HB 195. *Sen. Keith Perry (R-Gainesville)*

- Senate: A strike all amendment requiring an agency to pay attorney fees and court costs of a requestor if the agency filed 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 failed on a voice vote. CS/SB 162 was then temporarily postponed moved to the Senate’s Unfinished Business Calendar.

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)*

- House: CS/HB 755 was tabled and CS/SB 1060 substituted. See CS/SB 1060.

P 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)*

- Senate: Passed the Senate by unanimous vote. **PASSED THE LEGISLATURE**

P 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)*

- House: Substituted for CS/HB 1035 and passed unanimously by the House. **PASSED THE LEGISLATURE**

CS/HB 1035 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), F.S. Companion to SB 966. *Rep. Holly Raschein (R-Key Largo)*

- House: CS/HB 1035 was tabled and CS/SB 966 substituted. See CS/SB 966.

P 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)*

- House: Substituted for CS/HB 755 and passed the House unanimously. **PASSED THE LEGISLATURE**

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)*

- Senate: CS/SB 1170 was tabled and CS/HB 821 substituted. See CS/HB 821.

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)*

- Senate: CS/SB 1188 was tabled and CS/HB 1409 substituted. See CS/HB 1409.

P CS/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)*

- Senate: Substituted for CS/SB 1188 and passed the Senate by a vote of 38/1, with Sen. Gruters voting no. **PASSED THE LEGISLATURE**

TECHNOLOGY

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

- House: Passed the House by unanimous vote.

- Senate: Substituted for CS/SB 1872 and passed by unanimous vote. **PASSED THE LEGISLATURE**

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. Creates s. 559.952, F.S. Companion to HB 1393. *Sen. Travis Hutson (R-Palm Coast)*

- Senate: CS/SB 1872 was tabled and CS/HB 1393 substituted. See CS/HB 1393.

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)*

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

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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.