



# First Amendment FOUNDATION

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## COURT RECORDS

### **SB 756 Public Records/Human Trafficking Victims**

Manny Diaz (R-Hialeah Gardens)

Exempts and makes confidential the personal identifying information of a victim of human trafficking in a petition to expunge criminal records resulting from arrest or charges for offenses committed while a person was victim of human trafficking. The Senate Children, Families, and Elder Affairs committee unanimously approved an amendment to exempt the entire petition to expunge records and pleadings filed related to the petition. It is now in the Governmental Oversight and Accountability Committee.



### **HB 197 Pub. Rec./Nonjudicial Record of the Arrest of a Minor**

David Smith (R-Winter Springs)

Exempts and makes confidential the record of the arrest of a minor who has successfully completed a diversion program for a misdemeanor or a felony, other than a forcible felony. The House Criminal Justice & Public Safety Subcommittee unanimously approved HB 197, and it heads to the Government Operations Committee.

### **SB 7008 OGSR/Substance Abuse Impaired Persons**

Reinstates exemption for Marchman Act petitions, court orders, and related records filed with a court. Exempts personal identifying information contained in such records published on a court docket. Allows access by court order upon a showing of good cause. The Senate Rules Committee unanimously approved the bill, and it is now on the Senate Calendar for a vote by the entire chamber.



- Court Records
- Law Enforcement Records
- Education Records
- Agency Records
- Health Records
- Investigations

# LAW ENFORCEMENT RECORDS

## **SB 598 Public Records/Criminal Conflict and Civil Regional Counsel Office**

Dennis Baxley (R-Lady Lake)

SB 596, in part, authorizes an office of criminal conflict and civil regional counsel to register a license plate or decal under a fictitious name for counsel's use. SB 598 exempts records relating to the registration application for a license plate or decal issued under a fictitious name. The Senate Judiciary Committee unanimously approved the legislation, and it is now in the Appropriations Subcommittee on Criminal and Civil Justice.

# EDUCATION RECORDS

## **SB 520 Public Records and Public Meetings**

**Jeff Brandes (R-St. Petersburg)**

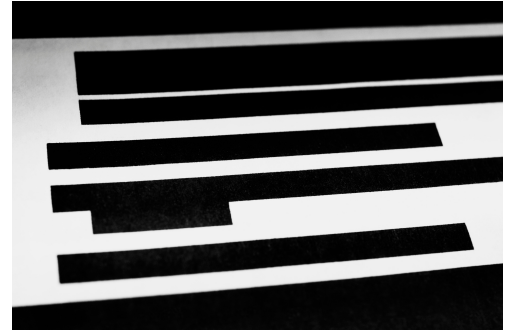
Exempts and makes confidential personal identifying information of an applicant for president of a state university or college. Information of an applicant included in the final group of candidates becomes public either when the final group is established or 21 days before a meeting to interview an applicant or take final action to select a president. Exempts from the Sunshine Law meetings to vet applicants or which would reveal personal identifying information of applicants. In a letter to the Senate Education Committee, FAF noted that research undermines arguments that secrecy is needed to ensure Florida schools have a wide applicant pool with qualified candidates. In addition, FAF argued that if a person wants to hold a job that requires the highest levels of leadership, experience, confidence in decision-making and financial responsibility, that person should be prepared to be vetted thoroughly. The Senate Education Committee approved the bill with 3 no votes. The bill is now in the Governmental Oversight and Accountability Committee.

## **GOS8/SB 7004 A Review Under the Open Government Sunset Review Act**

Reinstates exemption for records held by a university or college to identify detection, investigation, or response practices for suspected or confirmed information technology security incidents if disclosure would facilitate unauthorized access to information technology resources. Reinstates exemption for meetings that would reveal exempt data and information. The Senate Rules Committee unanimously approved SB 7004 and it is now on the Senate Calendar. The House Government Operations Subcommittee unanimously approved committee bill; it is now HB 7019.

## **SB 7006 A Review Under the Open Government Sunset Review Act**

Reinstates exemption for campus emergency response plans and exemption for meetings that would reveal campus emergency response plans. While this exemption was intended to prevent the release of information that could be used to hinder an institution's response to a terrorist attack, the exemption was used to withhold information about the COVID-19 pandemic. The sponsor of the legislation said that the law was never meant to prevent the release of pandemic plans. FAF opposes the OGSR as written because it is overbroad, withholding more information than necessary to achieve its stated purpose. The Senate Rules committee unanimously approved the bill. It is now on the Senate Calendar.



## AGENCY RECORDS

### **SB 934 Public Records/Homelessness Counts and Information Systems**

#### **Joe Gruters (R-Sarasota)**

Exempts and makes confidential individual identifying information of a person contained in a Point-in-Time Count or homeless management information system. Individual identifying information is defined as information that directly or indirectly identifies a specific person, can be manipulated to identify a specific person, or can be linked with other available information to identify a specific person. Information can be released in the aggregate if it does not disclose the individual identifying information of a person. The Senate Children, Families, and Elder Affairs Committee unanimously approved SB 934, which is now in the Governmental Oversight and Accountability Committee.

### **SB 978 Public Records/Applications for Certification as a Victim of Florida Reform School Abuse**

#### **Darryl Rouson (D-St. Petersburg)**

SB 482 authorizes the Department of State to certify victims of abuse from the Arthur G. Dozier School for Boys and Okeechobee School. Certified victims may file a claim against the state for compensation for abuse. SB 978 exempts personal identifying information in an application submitted to the Department of State. The Senate Criminal Justice Committee unanimously approved the bill, and it is now in the Appropriations Subcommittee on Transportation, Tourism, and Economic Development.

### **SB 7016 OGSR/Information Submitted by Insurers/Department of Financial Services**

Reinstates exemption for information relating to investigating and tracking insurance fraud submitted by insurers to the Department of Financial Services. The Senate Rules Committee unanimously approved the bill, and it is now on the Senate Calendar.

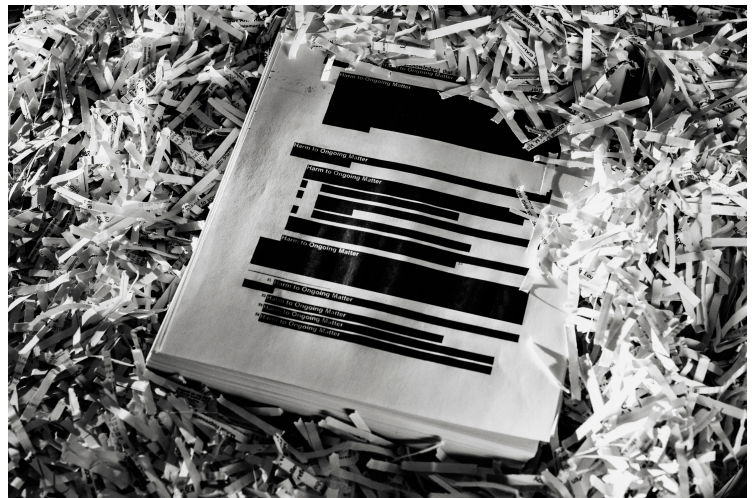
### **SB 7018 OGSR/Injured or Deceased Employee/Department of Financial Services**

Reinstates exemption for personal identifying information of injured or deceased employees contained in records held by the Department of Financial Services for the administration of workers' compensation. "Personal identifying information" includes employee's name, date of birth, home address, email address, and phone number. Data may be released in aggregate format without identifying information. The bill was unanimously approved by the Senate Rules Committee and will next be considered by the Senate.

## **SB 7020 OCSR/Office of Insurance Regulation**

Reinstates Fla. Stat. § 663.416(2), exempting personal identifying information of customer or prospective customer of an international trust entity appearing in the books of and records of an International Trust Company Representative Office (“ITCRO”, an off-shore trust company with offices in Florida), and Fla. Stat. § 663.540(2), exempting personal identifying information of customers of an international trust entity appearing in the books of a qualified limited service affiliate held by the Office of Financial Regulation. Reinstates Fla. Stat. § 655.057(1), which exempts and makes confidential records and information relating to an investigation by OFR until the investigation is completed or ceases to be active. Reinstates exemption for reports of examinations, including working papers, prepared by the OFR or any state or federal agency responsible for regulating financial institutions. Reinstates exemption for confidential documents supplied to the OFR by other state or federal government agencies.

The staff analysis for OCSR notes that the OFR has never received requests for information made exempt by sections 663.416 and 663.540. Based on the OFR’s statements, FAF recommends sunseting these two provisions of the statute. No public purpose is served by maintaining these exemptions. The bill was approved by the Senate Rules Committee, with only Sen. Gary Farmer (D-Fort Lauderdale) voting no. It is now on the Senate Calendar.



## **SB 590 Public Records & Meetings\***

Ana Maria Rodriguez (R-Doral)

SB 358 creates a professional counselors licensure compact, permitting licensed professional counselors to apply to practice in another member state. Member states must submit licensure, adverse action, and investigative information on all licensed professional counselors to a shared database created pursuant to the compact. SB 590 exempts from the Public Records Law a counselor’s personal identifying information, other than the counselor’s name, licensure status and number. SB 590 also exempts from the Sunshine Law meetings of the Counseling Compact Commission if the Commission’s legal counsel certifies the meeting must be closed to discuss certain subjects, including anticipated litigation or contract negotiations. FAF suggested defining personal identifying information so the exemption is not broader than necessary to achieve its purpose. The Governmental Oversight and Accountability unanimously approved the bill.

## **SB 7024 Public Records/Alleged Victim or Victim of Sexual Harassment**

Reinstates exemption for personal identifying information of an alleged victim in an allegation of sexual harassment. Also expands the exemption to prevent release of identifying information of a victim of sexual harassment. The identifying information is only exempt if it identifies that person as an alleged victim or as a victim of sexual harassment. It does not apply to all agency records identifying the victim. Confidentiality may be waived in writing by the alleged victim or victim. The bill was unanimously approved by the Governmental Oversight and Accountability Committee.



## **SB 7026 OGSR/Dependent Eligibility Verification Services**

Reinstates exemption for records collected by the Department of Management Services for purposes of dependent eligibility verification services conducted for the state group insurance program. Enumerates the records DMS holds as exempt, replacing the catch-all “any other information” for purposes of verifying eligibility. The Governmental Oversight and Accountability Committee unanimously voted in favor of the bill.

## **HB 159 Pub. Rec./Lottery Winners**

Tracie Davis (D-Jacksonville)

Exempts and makes confidential the name of a winner of a lottery prize valued at \$250,000 or more. The name can become public if a winner consents to release. In addition, the name becomes public 90 days after the prize is claimed. HB 159 passed the House State Affairs Committee unanimously. The exemption is intended to protect winners from potential violence and harm. The 90-day exemption gives winners the chance to make necessary security precautions before public disclosure. The release of winners’ names ensures public oversight of the lottery, specifically allowing the public to detect any suspicious patterns of lottery winnings.



## **HEALTH RECORDS**

### **HB 7007/SB 7000 OGSR/Nonviable Birth Certificates**

Reinstates public records exemption for information submitted to the Department of Health for issuance of nonviable fetus birth certificate. Exempts information relating to the cause of death and

parentage of a nonviable fetus, marital status of such fetus’ parent, and any medical information included in nonviable birth records held by a state agency. The Senate Rules Committee unanimously voted in favor of SB 7000, and it is now on the Senate Calendar. The House Professionals & Public Health Subcommittee unanimously voted in favor of HB 7007, and it is now in the State Affairs committee.

### **HB 7005/SB 7002 OGSR/Information Relating to Medical Marijuana Held by the Department of Health**

Reinstates public records exemption for patient’s or caregiver’s personal identifying information held by the Department of Health in the Medical Marijuana Use Registry. Exempts a qualified physician’s DEA number, residential address, and ID card. Information may be released to law enforcement agencies and for research purposes. The House Professionals & Public Health Subcommittee unanimously voted in favor of HB 7005, which is now in the State Affairs Committee. The Senate Rules Committee unanimously approved SB 7002, and it next goes to the Senate.

# INVESTIGATIONS

## **GOS6 OGSR/Identity of a Witness to Murder**

Reinstates exemption for personal identifying information of a witness to a murder for two years. The House Government Operations Subcommittee unanimously approved the committee bill. It is now HB 7015.

## **GOS7/SB 7010 OGSR/Public and Professional Guardians**

Reinstates exemption for records held by the Department of Elder Affairs about investigations into complaints filed with the Department. Exempts the names of complainant and ward involved; the ward's personal health and financial records; and photographs and videos related to the complaint or obtained during the investigation. Allows access by court order and allows release of information once the investigation is complete or no longer active. The House Government Operations Subcommittee approved the bill, with two lawmakers voting now. It is now HB 7017. The Senate Rules Committee unanimously voted in favor of the bill, which is now on the Senate Calendar.