



First Amendment FOUNDATION

Protecting Your Right to Know Since 1985

SECRECY IN HIGHER ED

The Senate approved a bill allowing presidents of Florida public universities and colleges to be selected in secret. **SB 520**, Sen. Jeff Brandes (R-St. Petersburg), passed 28-11, just a few votes short of defeat. Supporters have maintained that secrecy is needed to get the best and brightest candidates. The current slate of leaders at Florida institutions makes clear that exceptional candidates are seeking these positions. Now, there is nothing preventing search committees or board of trustees (selected by the Governor and Board of Governors) from picking their favorite insider candidate for the job. The First Amendment

Foundation has argued that this bill will do nothing to prevent undue political interference in the hiring process. Four universities will soon look for a new president. If the House approves this legislation, university presidents will be picked by search firms and board of trustees without meaningful input from the public.



The Senate adopted an amendment, filed by Sen. Darryl Rouson (D-St. Petersburg), making the age, race, and gender of all applicants who met the qualifications established for the position and were considered available to the public at least 21 days before the final decision. While this exemption allows the public to see data on the other contenders, the public does not know the other applicants' qualifications or experience. **It doesn't let the public know whether more experienced applicants were considered but rejected. Nor does it let the public know whether the exemption is working – the public will never know whether schools are getting more applications from sitting presidents or provosts from leading institutions.**

An amendment to extend the time the names of final candidates must be disclosed

from 21 days to 31 days was filed by Sen. Linda Stewart (D-Orlando), but ultimately the amendment was withdrawn, in part, because the House companion bill has already reduced the time period to 14 days. There is always the outside chance that the House could stop the bill, which requires a super-majority to pass. But the real question is where the number of public days to review the final candidates will land.

[Click here to see how your Senator voted on this bad bill.](#)

COURT RECORDS

HB 1157/SB 1846 Public Records/Respondent's Name

Patt Maney (R-Fort Walton Beach), Aaron Bean (R-Jacksonville)

Makes confidential and exempts a respondent's name, at trial and on appeal, and all petitions or applications for voluntary and involuntary admission for mental health examinations or treatment (Baker Act) and for application or petitions for substance abuse treatment or assessment (Marchman Act). The House Criminal Justice & Public Safety Subcommittee unanimously approved **HB 1157**, and it is now in the Government Operations Subcommittee. The Senate Judiciary Committee unanimously voted in favor of **SB 1846**, and it is now in the Appropriations Committee.

HB 1413/SB 1526 Public Records/Annuity Contact Payees

John Snyder (R-Palm City), Jim Boyd (R-Bradenton)

Exempts personal identifying information and annuity contract numbers of a payee of a structured settlement and the names of the family members, dependents, and beneficiaries of such payee. A structured settlement is an arrangement for periodic payment of damages for personal injuries awarded in a settlement or judgment of a tort resolution. The exemption applies to court files relating to the approval of a transfer of settlement payment rights, rather than all structured settlements. The House Government Operations Subcommittee approved **HB 1413** over 2 no votes, and it is now in the House Judiciary Committee. The Senate Judiciary Committee unanimously approved **SB 1526**; it is now in the Rules Committee.

HB 1363/SB 1304 Public Records/Trust Proceedings

Elizabeth Fetterhoff (R-DeLand), Joe Gruters (R-Sarasota)

Exempts and makes confidential identities of those who establish, administer, or benefit from a trust and any information relating to the trust involving a family trust company, licensed family trust company, or foreign licensed family trust company. Requires a judge to seal any document filed in those specific trust proceedings. This legislation exempts court documents and seals records regardless of the facts of the case or the parties involved. In addition, trust proceedings may involve questions about a trustee's actions, including whether a trustee is overreaching or incompetent or defrauding the settlor or beneficiary. Access to this information is critical to protecting vulnerable parties. The public should not be denied access to court records merely because some parties to a

trust would prefer secrecy. If a party wants to seek redress in Florida courts, the party should have the burden of showing why closure is necessary. This bill takes judicial discretion out of the hands of the judiciary, where the power should lie. **HB 1363** passed the House Government Operations Subcommittee 12-5, and it is now in the Judiciary Committee. The Senate Governmental Oversight and Accountability Committee approved **SB 1304** over one no vote by Gary Farmer (D-Ft. Lauderdale).

HB 1441/SB 756 Pub. Rec./Human Trafficking Victim Expunction

Jackie Toledo (R-Tampa), Manny Diaz (R-Hialeah Gardens)

Exempts and makes confidential all documents related to a petition to expunge criminal records resulting from arrest or charges for offenses committed while a person was victim of human trafficking. Expands expunction for offenses listed as habitual violent felony offender designation if the defendant was found not guilty or did not plead guilty or nolo contendere to such offense. The Government Operations Subcommittee unanimously approved **HB 1441**, which is now in the Judiciary Committee. The Senate unanimously approved **SB 756**.

SB 344 Pub. Rec./Nonjudicial Record of the Arrest of a Minor

Keith Perry (R-Gainesville)

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 Appropriations Committee unanimously voted in favor of the bill.

LAW ENFORCEMENT + CRIMINAL JUSTICE RECORDS

HB 873/SB 1204 Public Records/Information or Records/Executions

Patt Maney (R-Fort Walton Beach), Doug Broxson (R-Pensacola)

Exempts identifying information or information that could reasonably lead to identification of a person or entity participating in any aspect of an execution. Supporters say that this bill is needed because once the source of drugs used for carrying out executions is publicly known, it is difficult to procure drugs from the source. Pharmaceutical companies that make drugs to save lives are generally unhappy to learn that their products are being used to end lives. This legislation misleads both pharmaceutical companies and the public. The House Government Operations Subcommittee approved the bill 13-5, and it is now in the Judiciary Committee. The Senate Judiciary Committee unanimously voted in favor of SB 1204, which is now in Rules.

HB 773 Pub. Rec./Law Enforcement Geolocation Information

Matt Willhite (D-Wellington)

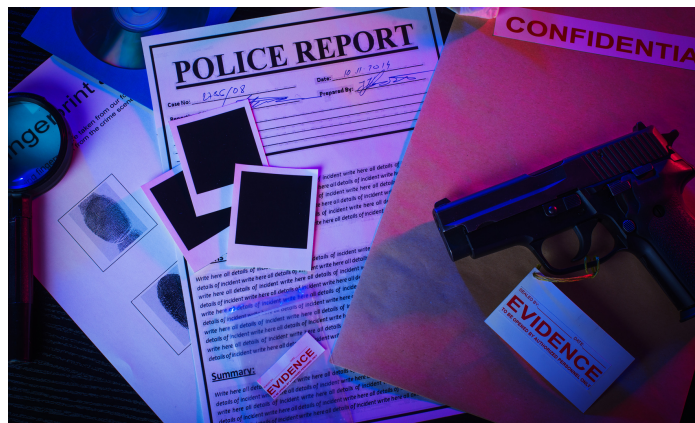
Exempts law enforcement geolocation information. Defines law enforcement geolocation information as information collected using a global positioning system or another

locational, or directional information system that allows tracking of the location or movement of a law enforcement officer or vehicle. While bill supporters contend that there is no public interest in this information, the location information sheds light on whether officers are fairly and effectively distributed throughout a jurisdiction. The Government Operations Subcommittee unanimously approved **HB 773**.

HB 385 Pub. Rec./Criminal Conflict and Civil Regional Counsel Offices

Patt Maney (R-Fort Walton Beach)

HB 383, 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. **HB 385** exempts records relating to the registration application for a license plate or decal issued under a fictitious name. The Judiciary Committee unanimously passed the measure.



HB 1513 Public Records/Autopsy Reports of Child Victims of Domestic Violence

Chuck Clemons (R-Jonesville)

Exempts and makes confidential the autopsy report of a minor whose death is related to an act of domestic violence by a family or household member. Allows a surviving parent who did not commit the act of domestic violence leading to the minor's death to view and copy the report. In addition, local, state, or federal agencies may access the report. A court, upon a showing of good cause, may order any person to view or copy the report. The Judiciary Committee unanimously approved **HB 1513**.

HB 7015 OGSR/Criminal Intelligence Information or Criminal Investigative Information

Reinstates exemption for personal identifying information of a witness to a murder for two years. The Senate Criminal Justice Committee unanimously approved the committee bill. The House unanimously approved HB 7015.

AGENCY RECORDS

HB 7043 OGSR/Information Submitted by Insurers/DFS

Reinstates exemption for information relating to investigating and tracking insurance fraud submitted by insurers to the Department of Financial Services. The House Insurance & Banking Subcommittee unanimously passed the bill.

HB 7045 OGSR/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 and records of an International Trust Company Representative Office, 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 OFR or any state or federal agency responsible for regulating financial institutions. Reinstates exemption for confidential documents supplied to OFR by other state or federal government agencies.

The staff analysis for the Senate version, **SB 7020**, notes that OFR has never received a request for information made exempt by sections 663.416 and 663.540. Based on the statement's of OFR, FAF recommends sunseting these two provisions of the statute. No public purpose is served by maintaining these exemptions. The House Insurance & Banking Subcommittee unanimously approved the bill.

SB 1042 Public Records/Registry of Persons with Special Needs

Jason Brodeur (R-Lake Mary)

SB 1040 requires the Agency for Persons with Disabilities to create a database, known as the "Special Needs Registry" of persons who have developmental, psychological, or other disabilities or conditions that may be relevant to interactions with law enforcement. Parents, guardians, and caregivers may enroll a person in the registry. FDLE must provide information from the registry to law enforcement to assist officers in performance of official duties if requested by the officer through the Florida Crime Information Center. **SB 1042** exempts and makes confidential all records relating to a person's enrollment in the Registry and information in a locally maintained registry substantially similar to the state registry. Exempt information may be disclosed upon request to a law enforcement agency, a county emergency management agency, or a fire department. Emergency responders may release the information with the consent of the person enrolled in the registry or their representative; in a medical emergency; by court order upon a showing of good cause; to another governmental agency; and in the interest of public safety to locate the enrollee or protect the enrollee's safety. The Children, Families, and Elder Affairs Committee unanimously approved **SB 1042**.

HB 699/SB 934 Public Records/Homelessness Counts and Information Systems

Fiona McFarland (R-Sarasota), 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 Government Operations Subcommittee unanimously approved **HB 699**. The Senate Rules Committee passed **SB 934** 38-1 with Sen. Ray Rodrigues (R-Fort Myers) casting the sole no vote.

1121/1614 Public Records/Motor Vehicle Crashes/ Traffic Citations

Chuck Brannan (R-Lake City), Gayle Harrell (R-Stuart)

Exempts and makes confidential crash reports that reveal the identity of parties involved in the crash. The Senate Governmental Oversight and Accountability Committee approved an amendment requiring immediate release of redacted reports to radio and television stations licensed by the FCC and newspapers qualified to publish legal notices. This improves the bill and allows the media to inform the public of crashes and detect crash patterns. The House Government Operations Subcommittee approved an amendment that merely permits release of redacted reports to the media. Both bills would impose civil penalties on parties who obtain a crash report or data and knowingly disclose or use the information for improper purposes. Committees hearing the bill approved an amendment to ensure that television and newspaper reporters are not liable under this section.



HB 1445 Pub. Rec./Dependent Eligibility Verification Services

Mike Giallombardo (R-Cape Coral)

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. Adds to the list of documents that may be requested to verify a dependent's eligibility. The Government Operations Subcommittee unanimously approved **HB 1445**.

HB 617 Pub. Rec. and Meetings/Statewide Council on Human Trafficking Direct-support Organization

Toby Overdorf (R-Stuart)

Exempts and makes confidential any personal identifying information of a donor or prospective donor to End Human Trafficking, a direct-support organization (DSO) to the Statewide Council on Human Trafficking, who desires to remain anonymous. Exempts from Sunshine Law portions of meetings of End Human Trafficking at which personal identifying information of a donor or prospective donor is discussed. **HB 617** was unanimously approved by the House Judiciary Committee.

SB 170 Public Records/Lottery Winners

Tina Polsky (D-Boca Raton)

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. **SB 170** was unanimously approved by the Rules Committee.

HB 7017 OGSR/Public and Professional Guardians/Department of Elderly Affairs

Reinstates exemption for records held by the Department of Elderly 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 State Affairs Committee voted approved the bill 15-8.



Health Records

SB 1350 Public Records and Meetings/In-hospital Medical Staff Committees

Manny Diaz (R-Hialeah Gardens)

Exempts and makes confidential records held by an in-hospital medical staff committee, medical executive committee, or credentialing committee of a public hospital containing individually identifiable health information protected by HIPAA; personal identifying information of hospital personnel; and information relating to pending legal matters. Exempts from the Sunshine Law portion of in-hospital medical staff committee meeting at which information made confidential and exempt by the statute is discussed. The Senate Health Policy Committee approved **SB 1350** over one no vote by Sen. Bobby Powell (D-West Palm Beach).

HB 1523 Pub. Rec. and Meetings/Professional Counselors Licensure Compact

Traci Koster (R-Safety Harbor)

HB 1521 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. **HB 1523** exempts a counselor's personal identifying information, other than the counselor's name, licensure status and number. **HB 1523** also exempts meetings of the Counseling Compact Commission if matters exempted from federal or state law are discussed. The Government Operations Subcommittee unanimously approved the bill, and it is now in Health & Human Services Committee.

HB 955 Public Records and Meetings/Psychology Interjurisdictional Compact*

Christine Hunschofsky (D-Coconut Creek)

HB 953 creates the Psychology Interjurisdictional Compact, which permits psychologists to practice in member states. Member states join the Psychology Interjurisdictional Compact Commission and provide information to a shared database. **HB 955** exempts the personal identifying information, other than the psychologist's name, licensure status, or licensure number, obtained from the coordinated licensure information system. Meetings of the Psychology Interjurisdictional Compact Commission are exempt from the Sunshine Law if the commission must discuss matters exempt by federal or state statutes. The Government Operations Subcommittee unanimously approved **HB 955**, and it is now in the Health & Human Services Committee.