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SENATE CLOSER TO SHIELDING EXECUTION INFORMATION

SB 1204 Public Records/Information or Records/Executions

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. Experience from other states that have exempted the names of entities manufacturing or participating in an execution makes clear that **secrecy will not solve this problem**. For example, Texas and Tennessee have both exempted the names of entities producing and supplying drugs and continue to face obstacles in obtaining the necessary drugs. This exemption will not serve the stated purpose. Lawmakers from both parties argued that the execution process should be as open and transparent as possible. Despite debate against the bill, the bill cleared the Senate Rules committee 9-6. The two-thirds majority requirement for public records exemptions only applies to the vote of “each house” and not committees.



- Criminal Justice & Law Enforcement
- Education Records
- Health Records
- Court Records
- Agency Records

CRIMINAL JUSTICE + LAW ENFORCEMENT RECORDS

SB 1046 Public Records/Law Enforcement Geolocation Information*

Ed Hooper (R-Palm Harbor)

Exempts law enforcement geolocation information. Defines law enforcement geolocation information as information collected using a global positioning system or another mapping, locational, or directional information system that allows tracking of the location or movement of a law enforcement officer or vehicle. The location information sheds light on whether officers are fairly and effectively distributed throughout a jurisdiction. Supporters of the bill explain that agency records showing locations of officers could be released because the bill does not apply to “official reports issued by an agency which contain law enforcement geolocation information.” FAF is concerned that records custodians could easily misinterpret and misapply the exemption if passed in its current form. FAF suggests clarifying that law enforcement agencies should release records showing deidentified location of officers. The Senate Rules Committee unanimously approved **SB 1046**.

HB 7009/SB 7030 OGSR/Health Information of an Inmate or Offender

Reinstates exemption for protected health information of inmates and offenders held by the Department of Corrections and the identity of any inmate or offender who has been tested for HIV, as well as the test results. The Senate substituted **SB 7030** for **HB 7009**, and unanimously approved the House bill.

HB 7015/SB 7032 OGSR/Criminal Intelligence Information or Criminal Investigative Information

Reinstates exemption for personal identifying information of a witness to a murder for two years. Information becomes public after two years. The Senate substituted **SB 7032** for the House bill and unanimously approved **HB 7015**.

HB 7031 OGSR/Alleged Victim or Victim of Sexual Harassment

Reinstates exemption for personal identifying information of an alleged victim of sexual harassment. Also expands the exemption to prevent release of identifying information of a victim of sexual harassment. The identifying information is 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. A victim or alleged victim may waive confidentiality. The House Public Integrity & Elections Committee unanimously approved the bill.

EDUCATION RECORDS

HB 703 Pub. Recs. and Meetings/Postsecondary Education Executive Search

Sam Garrison (R-Orange Park)

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 14 days before a meeting to interview an applicant or take final action to select a president. Meetings at which applicants are vetted and discussions that would reveal personal identifying information of applicants would be closed to the public and exempt from the Sunshine Law.

The open process has resulted in hiring of candidates who have improved Florida's universities and colleges. Further, under the proposed legislation there is nothing preventing search committee or boards of trustees (selected by the Governor and the Board of Governors) from selecting one insider candidate to lead a college or university. The committees or boards could publicly name three candidates: one handpicked by the committee or board and two less qualified candidates. Faculty, staff, students, and alumni will have just 14 days to comment on the candidate selected in secret. There is nothing in this bill to prevent undue political interference in the hiring process



The House Education & Employment Committee adopted a measure to expand the time when final candidates must be disclosed from 14 days to 21 days before final action is taken. This makes the House version consistent with the Senate version (**SB 520**), which was passed by the full Senate last week. The Committee also adopted an amendment to permit the age, race, and gender of all applicants who were qualified and considered for the position. As we noted last week, the release of the data will prevent the public from knowing the qualifications of other candidates. The bill passed 18-1, with only Rep. Susan Valdes (D-Tampa) voting no.

HB 7059 OGSR/Campus Emergency Response

Reinstates exemption for campus emergency response plans and exemption for meetings that would reveal campus emergency response plans. The public necessity statement for the exemption stated that public access to emergency responses could hamper or disable a public institution's response to terrorism. However, universities and colleges cited the exemption to withhold information about COVID-19 response plans. The sponsor of the original bill, Rep. Byron Donalds (R-Naples), explained that the exemption was not intended to withhold pandemic response plans and encouraged schools to release the plans. Without access to COVID-19 response plans, students, their family members and faculty do not know whether colleges and universities are following their own plans or whether the plans are effective. Because the exemption withholds more records than necessary to achieve its stated purpose, FAF opposes reinstating the exemption. The Education & Employment Committee unanimously passed **HB 7059**.

HEALTH RECORDS

HB 1523/SB 590 Public Records and Meetings/Professional Counselors Licensure Compact

Traci Koster (R-Safety Harbor), Ana Maria Rodriguez (R-Doral)

HB1521/SB 358 create 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/SB 590** exempt a counselor's personal identifying information, other than the counselor's name, licensure status and number. The House version exempts meetings of the Counseling Compact Commission, the executive committee of the Commission, or other committees of the commission at which matters exempted from federal and state law are discussed. **SB 590** is more specific. It

exempts meetings of the Commission or executive committee if the chair of the commission declares the specific reasons it is necessary to close the meeting to discuss enumerated topics: pending litigation; negotiations of contracts under competitive solicitation; disclosure of trade secrets or commercial information that is privileged or confidential; records made exempt under the exemption; and matters specifically exempted by federal or compact member state law. The Health & Human Services Committee unanimously passed **HB 1523**. The Senate Rules Committee unanimously approved **SB 590**.

HB 955 Pub. Rec. 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 Health & Human Services Committee unanimously passed the measure.

COURT RECORDS

SB 1526 Public Records/Annuity Contract Payees

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 Rules Committee unanimously approved **SB 1526**.

HB 1441 Pub. Rec./Human Trafficking Victim Expunction

Jackie Toledo (R-Tampa)

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 Judiciary Committee unanimously approved **HB 1441**.

AGENCY RECORDS

HB 159/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 substituted for the **HB 159**, which was approved by the Senate. Sen. Ray Rodrigues (R-Fort Myers) casting the sole no vote.

HB 699/SB 934 Pub. Rec./Homelessness Counts and Databases

Fiona McFarland (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 Health & Human Services Committee unanimously approved the measure.

HB 1243 Pub. Rec. and Public Meetings/Elder Abuse Fatality Review Teams*

Fred Hawkins (R-St. Cloud)

Provides that information exempt and confidential when held by another agency maintains its exempt and confidential status when obtained by an elder abuse fatality review team reviewing the death of an elder caused by abuse or neglect. Meetings of review teams at which exempt information is discussed would be closed to the public and the media and exempt under the Sunshine Law. The House State Affairs committee adopted an amendment to withhold information that reveals the identity of a victim of elder abuse and the address or location of such victim's residence. Location is undefined. FAF is concerned that this could make it harder for the public to know where elder abuse deaths have occurred. This portion of the exemption is overbroad. The bill passed over one no vote by Rep. Daryl Campbell (D-Fort Lauderdale).

HB 1351 Pub. Rec./Guardianship Data Transparency

Linda Chaney (R-St. Petersburg)

HB 1349 requires the Florida Association of Court Clerks and Comptrollers and clerks of court to create a statewide database of guardianship information to improve court oversight of guardianship cases. The database must include information on a guardian's qualifications, disciplinary data on each guardian, and statutorily required reports. **HB 1351** exempts and makes confidential the personal identifying information of a ward or petitioner in the database. Information may be released to other governmental entities for use in the performance of its official duties and responsibilities. The State Affairs Committee unanimously passed **HB 1351**.