



First Amendment FOUNDATION

Protecting Your Right to Know Since 1985

POST-SESSION REPORT



The requirements for creating exemptions to the constitutional right of access to public records and meetings enumerated in Article I, section 24(c) were intended to provide a check on the process of creating exemptions to public access. Despite the seemingly high burden, the legislature has enacted thousands of exemptions. **This year was no different – the legislature enacted 12 new exemptions and reinstated 13 exemptions subject to the Open Government Sunset Review Act.**

The capitol's COVID-19 precautions were largely lifted this year, and the First Amendment Foundation attended many committee meetings, testifying against bills and the explaining the effects of exemptions.

We noted earlier this session that despite the stringent



ALSO INSIDE:

- New Exemptions
- Open Government Sunset Review
- Bills that Died
- Law Enforcement + Criminal Justice
- Court Records
- Legislative Records
- Agency Records
- Health Records

standard for creating and reinstating exemptions, many bills were flying through committees without question or opposition. Throughout session, more lawmakers debated the necessity of exemptions – from shielding information related to the death penalty to hiring university and college presidents in secret. As you’ll see below, a couple public records exemptions passed on narrow margins. However, many passed with unanimous support. Bills aimed at improving the public records law or repealing exemptions were never heard.

Former Government Reubin Askew put it best when he said “you’ve got to remember in government whose business you’re doing: the people’s. And if you’re doing the people’s business, you’ve got to give them tools to judge the product.”

Our elected officials are restricting access to the tools and knowledge to assess government agencies. Lawmakers are moving legal notices from a state website, floridapublicnotices.com, to less trafficked government websites. What’s lost when lawmakers limit access to public information and meetings? Less public oversight and less accountability to the people government serves.

Below you will find a description of bills that passed. Unless a vote was unanimous, you will find a link to final vote tallies to see how your elected officials voted. You will also find a description of bills that were considered but died.

NEW EXEMPTIONS

HB 159/SB 170 Public Records/Lottery Winners

Tracie Davis (D-Jacksonville), Tina Polsky (D-Boca Raton)

Exempts and makes confidential the name of a winner of a lottery prize valued at \$250,000. The name can become public if a winner consents to release. In addition, the name becomes public 90 days after the prize is claimed. Last year, FAF suggested narrowing the timeframe of the exemption rather than creating a permanent exemption. The time-limited 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. The House passed HB 159 over one no vote. Likewise, the Senate approved HB 159 with only one lawmaker voting no.

HB 197/SB 344 Public Records/Nonjudicial Record of the Arrest of a Minor

David Smith (R-Winder Springs), Keith Perry (R-Gainesville)

Exempts and makes confidential the arrest record of a minor who has successfully completed a diversion program for a misdemeanor or a felony, other than a forcible felony. Both chambers unanimously approved **HB 197**. Similar legislation has passed at least twice, but Governor Ron DeSantis vetoed the bills.

HB 385/SB 598 Public Records/Criminal Conflict and Civil Regional Counsel Office

Patt Maney (R-Fort Walton Beach), 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 and the House unanimously approved **SB 598**.

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 Senate approved **SB 934** 38-1, and the House unanimously approved the Senate bill.

HB 703/SB 520 Pub. Recs. and Meetings/Postsecondary Education Executive Search

Sam Garrison (R-Orange Park), 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. 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 bill allows the release of the age, race, and gender of all applicants who were qualified and considered for the position. However, the release of this data will prevent the public from knowing the qualifications and experiences of other candidates.



For as long as this bill has been debated, proponents have argued that secrecy is necessary to have the largest pool of qualified candidates possible. However, Florida has selected presidents in leadership positions from top universities. The pool of candidates may be broader with secrecy – candidates who fear scrutiny and public vetting can apply. Data from other states makes clear that secret searches lead to the hiring of more insider candidates and political appointees. Supporters have also argued that exemption will

make the process more transparent and limit the influence of headhunting firms. How secrecy will lead to more transparency will be scrutinized in the search for president at four Florida universities.

SB 520 passed the Senate 28-11 and the House 86-26.

HB 773/SB 1046 Public Records/Law Enforcement Geolocation Information

Matt Willhite (D-Wellington), 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 exemption does not apply to uniform traffic citations, crash reports, incident reports, or any other official reports issued by an agency. Agencies must disclose geolocation to local, state, and federal government entities; to any person who seeks a petition in circuit court and shows good cause for access to the information; if requested in criminal, civil, or administrative proceedings upon a showing of good cause. Supporters of the bill state that this exemption will not prevent the release of information showing where officers are patrolling and whether officers are fairly distributed throughout a city or county. FAF will monitor use of this exemption to assess how it is being used. The Senate passed **SB 1046** over just one no vote, and the House passed the bill unanimously.

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. This legislation will prevent the public from knowing the reputability and safety records of the companies making and supplying the drugs used in executions. The bill misleads the public and drug manufactures who don't want their products used in lethal injections from discovering the state's use of the drugs in executions. Senator Jeff Brandes argued on the Senate floor that Florida should not have to lie to drug manufacturers and distributors. He went on to say that "we should not have to do some backroom drug deal in order to get the drugs necessary to execute someone in Florida."

Not only did FAF explain the importance of this information, but also FAF noted that states with similar exemptions have had continued to struggle obtaining the necessary drugs. In fact, the Texas Tribune reports that, despite exemptions for businesses involved in executions, Texas has maintained its supply not through secrecy but by extending the expiration dates of drugs in its possession. The bill is overbroad and based on supported hypotheticals. The House approved **HB 873** 84-73, and the Senate passed the measure 28-10.

HB 1121/SB 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. Redacted reports must be made available, upon request, to radio and televisions stations licensed by the FCC and newspapers qualified to publish legal notices. The legislation allows the media to access reports and inform the public of crashes and detect crash patterns. Both bills impose civil penalties on parties who obtain a crash report or data and knowingly disclose or use the information for improper purposes. The

penalties do not apply to tv and radio stations or newspapers. The Senate passed **SB 1614** with 3 lawmakers voting no. The House approved **SB 1614** over one no vote.

HB 1363/SB 1304 Public Records/Trust Proceedings

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

Requires a clerk of court, upon written request, to keep all official records separate and out of public view in a proceeding involving a family trust company, licensed family trust company, or foreign licensed family trust company. Makes confidential and exempts court records – defined as the docket, all filings, and other records – of such cases. Applies to proceedings under Florida Statutes chapters 736, the Florida Trust Code, and 738, governing allocation in trusts between principal and interests. Records are sealed without a showing that secrecy is necessary to protect the interests of the parties involved in the proceeding. The bill provides access to court records only to the following individuals: trust settlor; fiduciary of the trust; beneficiary of the trust; attorney for the settlor, fiduciary, or a beneficiary of the trust. In addition, the following individuals may petition a court for access to the confidential official records: a person showing a specific interest in the trust, a transaction relating to the trust, or an asset held or previously held by the trust. These individuals may obtain the records only when a court determines they have shown "a compelling need for releasing the information requested." While some individuals may be able to show a compelling need for trust information, the general public cannot petition a court and show a need to access the court records.



This legislation is counter to the long tradition of open access to court proceedings in our state and country. Currently, a party seeking closure has the burden to show why closing public access is needed. **SB 1304** will allow parties to trust proceedings to go to court in secret without ever showing closure is necessary. When asked, the sponsor of the House bill could not provide a single example of when a court denied closure and a party to a trust proceeding was harmed by public access. The legislation is broader than necessary to achieve its intended purpose. The Senate approved **SB 1304** 35-3. The House passed the measure 92-24.

HB 1413/SB 1526 Public Records/Annuity Contract 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. Exemption withholds only court files relating to the approval of a transfer of settlement payment rights. Records become public 6 months after a court order approving or denying the transfer application. The Senate unanimously approved **SB 1526**, and the House approved the bill 108-3.

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

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

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. 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. The House and Senate unanimously approved **HB 1523**.

HB 7057 Pub. Rec. and Meetings/Cybersecurity

Jason Fischer (R-Jacksonville)

Exempts and makes confidential coverage limits and deductible or self-insurance amounts of insurance or other risk mitigation coverages acquired for the protection of information technology systems or data of an agency. Also exempts and makes confidential information relating to critical infrastructure, defined as existing and proposed information technology and operational technology systems and assets, which if destroyed or disabled, would negatively affect security, economic security, public health or safety. Exempts and makes confidential network schematics, hardware or software configurations, or information that identifies detection, investigation, or response practices for suspected or confirmed cybersecurity breaches. Finally, closes meetings at which confidential or exempt information is discussed. Agencies may report information about cyber security incidents in the aggregate. The Senate and the House unanimously approved **HB 7057**.

HB 7049 Legal Notices

Randy Fine (R-Palm Bay)

After a compromise reached last year between the newspaper industry and the legislature on publication requirements for legal notices, the legislature heard a late filed measure to move legal notices from newspapers to government websites. Last year's law went into effect less than 70 days ago; it was never given a chance to succeed, despite training and investment necessary to support it. This year's last-minute bill will limit the public's access to legal notices. Senator Jeff Brandes, who opposed the bill and questioned the 11th hour tactic, called the bill a "solar eclipse on the public" designed to block sunshine. The legislation was not heard in the Senate until the 57th day of session. The Senate Rules committee was the only Senate committee to hear the bill. The Senate approved the bill 26-13, and the House approved the bill 79-40.



EXEMPTIONS REINSTATED PURSUANT TO THE OPEN GOVERNMENT SUNSET REVIEW ACT

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. Both chambers unanimously approved **SB 7002**.

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 and the House both unanimously passed **SB 7000**. It has been presented to the governor and signed into law.

HB 7009/SB 7030 OGSR/Health Information held by Department of Corrections

Reinstates exemption for protected health information of inmates and offenders held by the Department of Corrections. Personal health information is defined as individually identifiable health information transmitted or maintained electronically. Also reinstates exemption for the identity of inmates and offenders contained in HIV records. **HB 7009** unanimously passed both house.

HB 7011/7008 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. Both the Senate and the House unanimously approved **SB 7008**.

HB 7013/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. "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. Both chambers unanimously approved **SB 7018**, and the Governor signed it into law.

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. **HB 7015** was unanimously approved by the House and the Senate.

HB 7017/SB 7010 OGSR/Public and Professional Guardians

Reinstates exemption for records held by the Department of Elder Affairs related to investigations into complaints filed with the Department. The OGSR was amended to clarify that an investigation is considered active as long as the department is continuing with a reasonable, good faith belief that the investigation may lead to a finding that a guardian violated the standards of practice established by the Office of Public and Professional Guardians. Once an investigation is complete the following information remains exempt and confidential: names of complainant and ward involved; the ward's personal health and financial records; and photographs and videos recordings of a complainant or ward. The Senate unanimously approved **SB 7010**, and the House passed the bill 113-1.

HB 7019/SB 7004 OGSR/Technology Systems/State University or a Florida College System Institution

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. Both chambers unanimously approved **SB 7004**, and the Governor approved the bill.

HB 7031/SB 7024 OGSR/Alleged Victim or Victim of Sexual Harassment

Reinstates exemption for personal identifying information of an alleged victim of sexual harassment. 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 and the Senate unanimously passed **SB 7024**.

HB 7043/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. Both chambers unanimously voted in favor of **SB 7016**.

HB 7045/SB 7020 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 of 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 to 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 OGSR 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 that the agency has not received requests for such information, FAF recommended sunseting these two provisions of the statute because no purpose was served by maintaining the exemptions. The House unanimously approved **SB 7020**. The Senate voted 33-2 to maintain the exemption.

HB 7059/SB 7006 OGSR/Campus Emergency Response

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. Notably, the sponsor of the legislation told reporters that schools should release the information to the public. The legislation is overbroad, withholding more information than necessary to achieve its stated purpose. The bill was amended to extend the review period for another two years. It has a new sunset date of October 2, 2024. The House unanimously approved **SB 7006** and the Senate approved the amended version with new repeal date 35 to 3.

HB 1445/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. The House and Senate unanimously passed **HB 1445**.

BILLS THAT DIED

LAW ENFORCEMENT + CRIMINAL JUSTICE RECORDS

SB 1282 Public Records/Investigation of a Murder

Manny Diaz (R-Hialeah Gardens)

Exempts active criminal intelligence or investigative information relating to an investigation of a murder which reveals the key details of the crime and which a law enforcement agency determines must be withheld to secure a future arrest or conviction

Exempt records may be disclosed only when the records are given or required to be given to the person arrested. An exemption already exists to withhold active criminal investigative information when there is a reasonable, good faith anticipation of arrest. Access to key details of murder investigations is essential for the public to understand and oversee the actions of law enforcement officers. Later reporting, using murder investigation records, and public awareness of crimes may lead to an arrest. Not only does an exemption exist if such information is in fact gathered during a good faith investigation, but also the information is critical to the accountability of law enforcement agencies. The bill was never heard and died in committee.

SB 782 Public Meetings and Records/Conditional Medical Release Program

Keith Perry (R-Gainesville)

SB 784 creates a conditional medical release program within the Department of Corrections to determine whether release is appropriate for inmates with terminal or permanently incapacitating medical conditions. **SB 782** exempts portions of meetings of a panel review hearing to determine whether release is appropriate if discussing confidential records. **SB 782** was never considered and died in committee.

HB 1261 Pub. Rec./Criminal History Information

Spencer Roach (R-North Fort Myers)

Exempts and makes confidential arrest records of a minor less than 15 years old taken into custody or charged with a crime which, if committed by an adult, would be a felony. The bill died in committee.



HB 1513/SB 1550 Public Records/Autopsy Reports of Child Victims of Domestic Violence

Chuck Clemons (R-Jonesville), Keith Perry (R-Gainesville)

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. In a recent public records lawsuit against the Department of Children and Families, the court granted *in camera* review of records related to a minor's death, which the Department argued were exempt. The autopsy of the child was critical to the court's decision. Without public access to the autopsy and medical examiner's report, showing neglect was a contributing cause to the child's death, the court may not have granted in camera review and analyzed DCF's records. Access to these reports is critical to oversight of child welfare agencies. The House unanimously passed **HB 1513** while **SB 1550** died in committee.

COURT RECORDS

HB 1131/SB 1322 Court Records of Eviction Proceedings

Vance Aloupis (R-Miami), Ana Maria Rodriguez (R-Dorel)

Permits a tenant or mobile homeowner to petition to seal court records in an eviction proceeding and substitute name with “tenant” in the docket if certain conditions are met. Sealing entire court records to protect evicted tenants also shields landlords who unlawfully evict tenants from public scrutiny. This exemption will reduce the public's ability to monitor eviction practices. Further, the bill does not prevent a landlord from using past evictions – learned from interviewing other landlords or other sources – against a tenant. Both bills were never considered during session and died in committee.

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 Senate unanimously approved **SB 1846**, and it died in the House.

HB 1441/SB 756 Public Records/Human Trafficking Victims

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. A companion bill 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 House unanimously approved the bill, but it died in returning messages in the Senate.

SB 1490 Public Records/Expunged Criminal History Records

Randolph Bracy (D-Orlando)

SB 1488 expunges, upon petition, arrest records for a misdemeanor offense for obtaining, purchasing, or possessing 20 grams or less of cannabis. **SB 1490** exempts and makes confidential criminal history records expunged under **SB 1488**. The bill died in committee.

LEGISLATIVE RECORDS

HB 6053/SB 530 Public Disclosure of Reapportionment and Redistricting Plan Records

Joe Geller (D-Dania Beach), Annette Taddeo (D-Miami)

Repeals Fla. Stat. §11.0431(2)(e), which provides an exemption for a draft, and a request for draft, of a reapportionment plan or redistricting plan and an amendment. This bill would also repeal an existing exemption for supporting documents associated with redistricting plans or amendments until a bill implementing the plan, or the amendment is filed.

Repealing this exemption would make the districting process more transparent and allow oversight of the legislative decision-making process. The bills died in committee without being considered.

HOME ADDRESS EXEMPTIONS

Currently, there are close to thirty exemptions for the home addresses of certain public and private sector workers. While well-intentioned, these exemptions create a false sense of security. The information may be removed from tax and property records, but the information may still be accessible online. Moreover, these exemptions ignore the fact that someone who wants to harm an employee can follow the employee from work to their house.

Fortunately, only 4 home address exemption bills were filed this year and none passed.

HB 391/SB 432 Public Records/Judicial Assistants

David Smith (R-Winter Springs), Tom Wright (R-Port Orange)

Exempts the home addresses, date of birth, and telephone numbers of current or former judicial assistants; names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former judicial assistants; and the names and locations of schools and day care facilities attended by the children of current or former judicial assistants. Both bills died in committee.

HB 595/SB 818 Public Records/Public Employees Relations Commission

Allison Tant (D-Tallahassee), Loranne Ausley (D-Tallahassee)

Exempts the home address, dates of birth, telephone numbers of chair, commissioners, and hearing officers of the Public Employees Relations Commission. Also exempts the name, home addresses, phone numbers, dates of birth, and places of employment of the spouses and children of the chair, commissioners, and hearing officers of the chair, commissioners, and hearing officers of the Public Employees Relations Commission and the name of employee's school or daycare. Both bills died in committee.

HB 1213/SB 1420 Public Records/County and City Attorneys

Kristen Arrington (D-Kissimmee), Danny Burgess (R-Zephyrhills)

Exempts the home address, telephone numbers and dates of birth of current or former city and county attorneys. Exempts the names, and places of employment of children and spouses of local attorneys. The Senate Community Affairs Committee amended the bill to allow the release of photographs of city and county attorneys to align with the exemption for judges and other positions. However, the bill died in the Rules Committee. The House bill was never considered.

SB 1920 Public Records/Election Workers

Joe Gruters (R-Sarasota)

Exempts the home addresses and telephone numbers of current election workers. Exempts

the home addresses and telephone numbers of current election workers. Exempts the names, and places of employment of children and spouses of election workers. The bill died in committee.

AGENCY RECORDS

HB 183/SB 346 Public Records/Buyer or Transferee of Ammunition

Dan Daley (D-Sunrise), Tina Polsky (D-Boca Raton)

HB 181 and **SB 334** require background checks for the sale or transfer of ammunition. **HB 183** and **SB 346** exempt and make confidential records related to the buyer whose background check is cleared and able to buy ammunition. Both bills died in committee.

HB 307/SB 716 Public Records/Person Who Has Adopted an Animal

Fred Hawkins (R-Saint Cloud), Sen. Jennifer Bradley (R-Orange Park)

Exempts the name, email addresses, home addresses, and telephone number of a person who has adopted an animal from an animal shelter or animal control agency operated by a county, municipality, or other incorporated political subdivision on any records relating to the animal and held by the shelter. Both bills died in committee.

HB 409/SB 938 Public Record/Compulsive and Addictive Gambling Prevention Program

Tracie Davis (D-Jacksonville), Dennis Baxley (R-Lady Lake)

HB 405 establishes a Compulsive & Addictive Gambling Prevention Program within the Florida Gaming Control Commission to provide assistance for addictive gambling and operate a helpline to provide information and referral services regarding addictive gambling. **HB 409** and **SB 938** exempt and make confidential personal identifying information of a person seeking assistance through the Compulsive & Addictive Gambling Prevention Program. Both bills died in committee.

HB 617/SB 294 Public Records/Statewide Council on Human Trafficking

Toby Overdorf (R-Stuart), Ilene Garcia (R-Miami)

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. **SB 294** died in committee. **HB 617** passed of its committees of reference but died on the House Calendar.

HB 735/SB 1042 Public Records/Registry of Persons with Special Needs

Rene Plasencia (R-Titusville), Jason Brodeur (R-Lake Mary)

HB 733 and **SB 1040** authorize the creation of a database 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 an individual in the registry. **HB 735** and **SB 1042** exempt and make confidential all records, data, information, correspondence, and communications relating to the enrollment of person in the database. Both bills died in 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. **SB 978** died in committee.

HB 983 Pub. Rec./Voters and Voter Registration

Cyndi Stevenson (R-St. Augustine)

Exempts the date of birth, phone number, email address, and party affiliation of a voter registration applicant or voter. The information may be provided to the person whose information was made exempt; canvassing board or election official; political party, candidate, or political committee; or a person who receives permission to access the information from the office of the Secretary of State, for any purpose authorized by such office. **HB 983** died in committee.

HB 1059/SB 1308 Public Records/Family or Household Members of Homicide Victims

Kevin Chambliss (D-Miami), Shevrin Jones (D-Miami Gardens)

HB 949 and **SB 1396** require an employer, if requested, to give an employee 3 days leave to make funeral arrangements for a family or household member who died of homicide, secure household from the perpetrator, or attend meetings with law enforcement officers related to the homicide. **HB 1059** and **SB 1308** exempt and make confidential personal identifying information of an employee that is contained in records documenting a homicide provided to an employer for such leave. The legislation died in committee.

SB 1198 Public Meetings and Public Records/Community Violence Task Force

Shevrin Jones (D-Miami Gardens)

SB 1196 creates a Community Violence Task Force within FDLE to review causes of crime rates and violence in urban core neighborhoods, develop recommendations to improve communications between local and state agencies to help reduce crime and violence. The task force may request records from law enforcement agencies. **SB 1198** exempts portions of task force meetings at which exempt or confidential information received by the committee is discussed. **SB 1198** died in committee.

HB 1243/SB 1594 Public Records and Public Meetings/Elder Abuse Fatality Review Teams

Fred Hawkins (R-St. Cloud), Audrey Gibson (D-Jacksonville)

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. Exempts from the Sunshine Law and closes public access to meetings of review teams at which exempt information is discussed. Both bills died in committee.

HB 6059/SB 1896 Confidentiality of Economic Development Agreement Information

Anna Eskamani (D-Orlando), Gary Farmer, Jr. (D-Fort Lauderdale)

Repeals section 288.075(2)(a), which exempts and makes confidential information concerning a private entity's plans to locate, relocate, or expand business activities in Florida provided to or produced by an economic development agency. Both bills died in committee.

HB 1287/SB 1740 Pub. Rec. and Meetings/Local Government Security

Adam Botana (R-Bonita Springs), Tom Wright (R-Port Orange)

Exempts information related to threat detection, defense, deterrence, or response plans and actions for information technology and operational technology systems of a utility owned or operated by a unit of local government, including, but not limited to, plans and actions made or taken in response to a ransomware or cyberattack on or threat to information technology or technology systems. Both bills died in committee. This legislation was similar to **HB 7057**, which passed. **HB 1287** and **SB 1740** were more narrow, creating an exemption just for cyber security information related to public utilities.

HB 1351 Pub. Rec./Guardianship Data Transparency

Linda Chaney (R-St. Petersburg)

HB 1349 requires the Florida Clerks of Court Operations Corporation to create a statewide database of guardianship information to improve court oversight of guardianship cases. Certain information on guardians must be released to the public. **HB 1351** exempts and makes confidential the personal identifying information of a ward or petitioner in the database. **HB 1351** died on the House calendar.

HB 1565 Pub. Rec./Consumer Data Privacy

Fiona McFarland (R-Sarasota)

HB 9, in part, authorizes the Department of Legal Affairs ("DLA") to bring an action under the Florida Unfair or Deceptive Trade Practices Act related to unlawful uses of consumers' personal information. **HB 1565** exempts and makes confidential all information received by the DLA pursuant to a notification of a violation of **HB 9** or an investigation by the DLA or a law enforcement agency. The exemption does not apply once an investigation is complete or ceases to be active. However, the following information remains exempt after the completion of an investigation: information to which another public records exemption applies; personal information; a computer forensic report; information that would reveal weaknesses in data security; and information that would disclose proprietary information. The House unanimously passed the bill, but it died in committee in the Senate.

HEALTH RECORDS

HB 869/SB Public Records and Meetings/In-hospital Medical Staff Committees

Alex Rizo (R-Hialeah), 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; information relating to pending legal matters. Exempts from the Sunshine Law portion of an in-hospital medical staff committee meeting at which information made confidential and exempt by the statute is discussed. Both bills died in committee. Both bills died in committee.



HB 955/SB 1372 Public Records and Meetings/Psychology Interjurisdictional Compact

Christine Hunschofsky (D-Coconut Creek), Gayle Harrell (R-Stuart)

HB 953 and **SB 1370** create the Psychology Interjurisdictional Compact, which permits psychologists to practice in member states. Member states join the Psychology Interjurisdictional Compact Commission and share information in a shared database.

HB 955 and **SB 1372** exempt the personal identifying information, other than the psychologist's name, licensure status, or licensure number, obtained from the coordinated licensure information system. Certain meetings of the Psychology Interjurisdictional Compact Commission are exempt from the Sunshine Law and closed to the public. **HB 955** unanimously passed the House. **SB 1372** died in committee.