LEGISLATIVE REPORT

•	Current action
CS	Committee Substitute
P	Passed both Chambers
W	Withdrawn from further consideration

For Period Ending March 14

BASE CLOSURES

SB 858 OGSR/Florida Defense Support Task Force: The Florida Defense Support Task Force was created to make recommendations to preserve and protect military installations in connection with the work of the federal Defense Base Closure and Realignment Commission. SB 858 reenacts, without modification, the public record exemptions in s. 288.985, F.S., for those portions of records relating to the strengths and weaknesses of state military installations or missions relative to the selection criteria under the base realignment and closure process held by the Task Force. The bill also reenacts a limited public meetings exemption for those meetings of the Task Force at which exempt public records are discussed. All records generated during the closed meetings are also exempt. Reenacts s. 288.985, F.S. Companion to HB 7103. *S. Military and Veterans Affairs*

- S. Special Order Calendar: Read a second time and rolled to third reading for passage by the Senate.

  →**HB 7103 OGSR/Florida Defense Support Task Force:** Companion to SB 858. *H. Government Operations Subcommittee*

COLLEGES AND UNIVERSITIES

SB 318 Exemption/University Direct Support Organizations: Creates an exemption for portions of meetings of a university direct support organization (DSO) board of directors when the board is discussing the identity of donors or prospective donors, or when discussing research funding proposals or plans or programs to support research. Amends s. 1004.28, F.S. Companion to HB 115. *Sen. Kelli Stargel (R-Lakeland)* ???

- S. Governmental Oversight and Accountability Committee: A strike-all amendment narrowing the proposed exemption is adopted; reported favorably as a committee substitute. As amended, CS/SB 318 creates an exemption for those portions of a university direct support organization (DSO) board of directors when discussing proposals seeking research funding or plans or programs for either initiating or supporting research. Now in S. Rules.

HB 543 Exemption/Unsolicited Proposals: HB 541 authorizes a university board of trustees to receive unsolicited proposals and enter into agreements with a private entity to build, upgrade, operate, own, or finance facilities. HB 543 creates a public record exemption for unsolicited proposals received by a university board of trustees, stipulating that the proposals will be exempt from public disclosure until the board receives and ranks the proposals. If the board rejects all proposals received for the project, the unsolicited proposal will remain exempt for 12 months after the board rejects the proposals. Creates s. 1013.505(4), F.S. Similar to SB 1396. *Rep. Greg Steube (R-Sarasota)* **???**

- H. Government Operations Subcommittee: A strike-all amendment is adopted; reported favorably as a committee substitute. As amended, CS/HB 543 creates a public record exemption for unsolicited proposals received by a university board of trustees until the board provides notice of its intent to make a decision regarding a qualifying project, at which time the unsolicited proposal is subject to public disclosure. If the board rejects all proposals and provides notice of its intent to seek additional proposals, then unsolicited proposals will remain exempt until notice of an intended decision. Stipulates that unsolicited proposals are not exempt for more than 90 days after the board rejects all proposals or more than 180 days if the board fails to issue a competitive solicitation for a qualifying project. Also creates an exemption for those portions of board meetings at which exempt unsolicited proposals are discussed, stipulating that a recording must be made of the closed session. Now in H. Education.

COURT RECORDS

CS/SB 256 Exemption/Forensic Behavioral Health Evaluations: Creates an exemption for forensic behavioral health evaluations filed with a court. Defines "forensic behavioral health evaluation" as any record, including supporting documentation, derived from a competency, substance abuse, psychosexual, psychological, psychiatric, psychosocial, cognitive impairment, sanity, or other mental health evaluation of an individual. Creates s. 916.1065, F.S. Companion to HB 111. *Sen. Rene Garcia (R-Hialeah)*

- S. Rules Committee: Reported favorably. Now on S. Calendar.

SB 650 OGSR/Estate Inventories: Reenacts, without modification, s. 733.604, F.S, providing a public record exemption for estate inventories and accountings filed with a clerk of court. Reenacts s. 733.604., F.S. *S. Judiciary*

- S. Governmental Oversight and Accountability Committee: A minor amendment is adopted; reported favorably as a committee substitute. Now in S. Rules.

→ **HB 7101 OGSR/Estate Inventories:** Reenacts, without modification, s. 733.604, F.S, providing a public record exemption for estate inventories and accountings filed with a clerk of court. Reenacts s. 733.604., F.S. Companion to SB 650. *H. Government Operations Subcommittee*

CRIMINAL JUSTICE

HB 1019 Exemption/Location of Safe Houses: Creates a public record exemption for information about safe houses and other facilities used to house human trafficking victims held by a unit of local government. Creates s. 119.0713(5), F.S. *Rep. Ross Spano (R-Riverview)*

- H. Healthy Families Subcommittee: A strike-all amendment is adopted; reported favorably as a committee substitute. As amended, CS/HB 1019 creates a public record exemption for

information held by any agency about the location of safe houses and safe foster homes. Now in H. Government Operations Subcommittee.

HB 1013 Expunction of Criminal Records: Requires those who publish, display, or disseminate information regarding an arrest to remove such information from any publication, Internet posting, or credit report upon receipt of a certified copy of a court order granting a petition to expunge without further notice or cost to the individual whose record was expunged. Amends s. 943.0585, F.S. Companion to SB 812. *Rep. Greg Steube (R-Sarasota)* **WATCH**

- H. Criminal Justice Subcommittee: An amendment related to the entry of judgments of those adjudicated not guilty by reason of insanity or found incompetent to stand trial in state and national firearm databases is adopted; reported favorably as a committee substitute. Now in H. Judiciary Committee.

DIRECT SUPPORT ORGANIZATIONS

SB 1194 Citizen Support and Direct Support Organizations: In pertinent part, creates s. 20.058, F.S., making various changes to the reporting requirements of citizen support and direct-support organizations and the agencies and institutions such organizations support, including:

- Requires citizen support and direct-support organizations created pursuant to law or executive order, to annually submit the following information to the appropriate agency: (1) the name, mailing address, telephone number and web address of the organization; (2) the statutory authority or executive order creating the organization; (3) a brief description of the organization's mission and the results obtained; (4) a brief description of the organization's plans for the next three fiscal years; and (5) a copy of the organization's code of ethics; (6) a copy of the organization's most recent Form 990. Each organization must also report (7) the amount and source of revenue generated or projected; (8) the amounts and purposes of expenditures or projected expenditures, including lobbying and travel and entertainment expenses; (9) the value of capital improvements made to state property funded by the organization; and (10) the names and compensation of all officers, directors, employees, and independent contractors.
- Requires each agency receiving information from such organizations to post that information on the agency's website, and include a link to the organization's website.
- Stipulates that all contracts between a citizen support organization or a direct-support organization are contingent upon the submission and posting of the required information.

Creates s. 20.058, F.S., and amends various statutory provisions. Companion to HB 1153. *S. Governmental Oversight and Accountability* ☺

- S. Community Affairs Committee: Reported favorably. Now in S. Appropriations.

ETHICS AND ELECTIONS

CS/SB 846 Government Ethics: In pertinent part, expands the requirement that constitutional officers receive ethics and open government training annually to also require such training of elected city officials. Stipulates that those public officers and officials who are required to undergo such training certify completion of the requirement on his or her financial disclosure and financial statement report, and that failure to certify completion of the training is *not* "an immaterial, inconsequential, or de minimis error or omission." Amends, in part, ss. 112.3142, 112.3144, and 112.3145, F.S. *Sen. Jack Latvala (R-Clearwater)* ☺

- S. Appropriations Committee: A series of amendments is adopted; reported favorably as a committee substitute. Of particular interest is an amendment to s. 286.012, F.S., relating to voting requirements. As amended, s. 286.012 prohibits a member of a board or commission from failing to vote unless there is, or appears to be, a conflict of interest under chapter 112, F.S., or other more stringent ethics standards adopted by the board or commission. If a member asserts a conflict under ch. 112, the member must comply with the disclosure requirements of s. 112.3143 or the additional standards. **On the Senate Special Order Calendar for March 20.**

SB 1662 Exemption/Florida Elections Commission: Creates a public record exemption for sworn complaints relating to violations of s. 105.071, F.S., filed with the Elections Commission and records relating to investigations of such investigations until a probable cause finding is made, at which point the complaint and investigative records are subject to disclosure. Section 105.071 provides limitations on candidates for judicial office relating to political activities. Amends s. 106.25(7), F.S. *S. Ethics and Elections*

EXAMINATIONS and INVESTIGATIONS

CS/HB 415 Exemption/Investigations – Office of Financial Regulation: HB 413 authorizes the Office of Financial Regulation to conduct examinations and investigations of financial institutions without notice. CS/HB 415 creates a public record exemption for records related to the examination or investigation until the examination is complete or no longer active. Stipulates, however, that certain information, including personal identifying information of a consumer unless the consumer is the complainant, will remain exempt once the investigative records are released. Creates s. 559.5558, F.S. Companion to SB 1002. *Rep. David Santiago (R-Deltona)*

- H. Government Operations Subcommittee: A minor technical amendment is adopted; reported favorably as a committee substitute. Now in H. Regulatory Affairs.

SB 1278 Exemption/Examinations – Office of Financial Regulation: Creates a public record exemption for personal identifying information, personal financial information, and proprietary business information informal enforcement actions until the action is completed or ceases to be active. Stipulates that some information, including information that would impair the safety and soundness of the financial institution and personal financial information, will remain exempt. Also creates a public record exemption for trade secrets held by the Office of Financial Regulation. Amends s. 655.057, F.S. Companion to HB 675. *Sen. Garrett Richter (R-Naples)*

- S. Banking and Insurance Committee: A minor, technical amendment is adopted; reported favorably as a committee substitute. Now in S. Governmental Oversight and Accountability.

INSURANCE

SB 506 OGSR/Florida Insurance Guaranty Association: Reenacts, without modification, the public record exemptions in s. 631.582, F.S., held by the Florida Insurance Guaranty Association, including claims files until termination of all litigation, settlement, and final closing of all claims; medical records and other medical information contained in claims files; and privileged attorney-client communications. Reenacts s. 631.582, F.S. Companion to HB 7045. *S. Banking and Insurance Committee*

- S. Rules Committee: Reported favorably. **On the Senate Special Order Calendar for March 20.**

  → **HB 7045 OGSR/Florida Insurance Guaranty Association:** Companion to SB 506. *H. Government Operations Subcommittee*

- H. Insurance and Banking Subcommittee: Reported favorably. Now in H. State Affairs Committee.

SB 1262 Exemption/Insurance Flood Loss Model: Expands the public record exemption in s. 627.0628(3)(f)1., F.S., for trade secrets used in designing and constructing a hurricane flood loss model to also include trade secrets related to flood loss models. Meetings at which such trade secrets are discussed are exempt under s. 627.0628(3)(f)2., F.S. Amends s. 6278.0628(3)(f)1., F.S. *Sen. Jeff Brandes (R-St. Petersburg)*

- S. Banking and Insurance Committee: Reported favorably by a vote of 10/1 (Sen. Detert voting no). Now in S. Governmental Oversight and Accountability.

MOTOR VEHICLE RECORDS

SB 876 Personal Identifying Information – Motor Vehicle Crash Reports: Section 316.066(2), F.S., provides a public record exemption for information identifying persons involved in a motor vehicle accident that is contained in crash reports for 60 days following the accident. Certain specified persons, including members of the media, are entitled to access the exempt information during that 60 day window. SB 876 amends the provision allowing media access to require a sworn statement from each requestor for each individual crash report requested within the 60 day window of protection. Amends s. 316.066(2), F.S. Companion to HB 863. *Sen. Bill Galvano (R-Bradenton)* ???

- S. Transportation Committee: A technical amendment is adopted; reported favorably as a committee substitute. Now in S. Appropriations Subcommittee on Transportation, Tourism, and Economic Development.

SB 1046 Exemption/Personal Identifying Information – Motor Vehicle Crash Reports: Expands the media exception to the exemption for personal identifying information contained in motor vehicle crash reports to prohibit disclosure to the media of all contact information for those involved in car accidents. Amends s. 316.066(2), F.S. Companion to HB 865. *Sen. Bill Galvano (D-Pam Springs)* ☹

- S. Transportation Committee: Reported favorably by a vote of 7/1, with Sen. Joyner voting against the bill. Now in S. Governmental Oversight and Accountability.

PERSONAL INFORMATION

CS/HB 265 Dissemination of Mug Shots: Amends s. 951.23, prohibiting county or city detention facilities from electronically publishing or disseminating mug shots of any person arrested who is charged but not yet convicted of a crime. Specifically states that the prohibition on electronic dissemination cannot be construed to restrict access to public records. Creates s. 951.23(12), F.S. Companion to SB 298. *Rep. Carlos Trujillo (R-Doral)* **WATCH** ???

- H. Justice Appropriations Subcommittee: A strike-all amendment allowing electronic dissemination of arrest booking photographs between criminal justice agencies is adopted. Reported favorably as a committee substitute. Now in H. Judiciary Committee.

  → **CS/SB 298 Dissemination of Mug Shots:** Creates s. 836.12, F.S., and defines the terms "arrestee," "arrest booking photograph," and "fee or other consideration." Prohibits anyone who publishes or otherwise disseminates mug shots from soliciting or accepting a fee to remove,

correct, or modify a mug shot. Allows arrestees to bring action against such publishers to enjoin publication, and stipulates that if a court enjoins publication, the court order must require removal of the mugshot within 14 days after the order is entered. Authorizes a civil penalty of $1,000/day for each day of non-compliance. Allows the arrestee to collect attorney fees and costs if publication of the arrestee's mug shot is enjoined. Creates s. 836.12, F.S. Companion to HB 265. *Sen. Darren Soto (D-Kissimmee)* **WATCH**

- S. Commerce and Tourism Committee: Reported favorably. Now in S. Rules.

SB 520 Exemption/Dental Workforce Surveys: Creates a public record exemption for all personal identifying information contained in dental workforce surveys completed by dentists and dental hygienists held by the Department of Health. Creates s. 466.051. Companion to HB 457. *Sen. Garrett Richter (R-Naples)*

- S. Governmental Oversight and Accountability Committee: Reported favorably. Now in S. Rules.

CS/SB 532 Disclosure of Sexually Explicit Images: Prohibits the intentional disclosure of a sexually explicit image of an identifiable person to a social media website or the internet or by other electronic means for the purposes of harassment. Provides for penalties. Creates s. 847.0136, F.S. Companion to HB 475. *Sen. David Simmons (R- Altamonte Springs*) **WATCH**

- S. Special Order Calendar: Read a second time and rolled to third reading for passage by the Senate.

SB 546 Exemption/Personal Identifying Information – Concealed Weapon Permits: HB 523 authorizes tax collectors to accept applications for concealed weapon licenses. HB 525 creates a public record exemption for personal identifying information of those who have applied for a concealed weapons permit held by a tax collector. Amends s. 790.0601, F.S. Companion to HB 525. *Sen. Wilton Simpson (R-New Port Richey)*

- S. Governmental Oversight and Accountability Committee: A minor technical amendment is adopted; reported favorably as a committee substitute. Now in S. Rules.

CS/SB 616 Exemption/Personal Identifying Information – Toll Facilities: Expands the exemption in s. 338.155(6), F.S. for personal identifying information held by the Department of Transportation (DOT), a county, or an expressway authority for the purpose of paying, prepaying, or collecting tolls to also include cities collecting such information. Amends s. 338.155(6), F.S. Companion to HB 7007. *Sen. Greg Evers (R-Pensacola)*

- S. Rules Committee: Reported favorably. Now on S. Calendar.

  → **HB 7007 Exemption/Personal Identifying Information – Toll Facilities:** Expands the exemption in s. 338.155(6), F.S. for personal identifying information held by the Department of Transportation (DOT), a county, or an expressway authority for the purpose of paying, prepaying, or collecting tolls to also include cities collecting such information. Amends s. 338.155(6), F.S. Companion to SB 616. *H. Transportation and Highway Safety Subcommittee*

  - House: Passed the House unanimously. Now in S. Messages.

PROPRIETARY INFORMATION

CS/HB 643 Exemption/Trade Secrets – Computers: Expands the public record exemption in s. 815.04, F.S., for trade secrets relating to computers, computer systems, and computer networks held by an agency to also exempt trade secrets relating to electronic devices. Stipulates that a person who willfully and

knowingly discloses such trade secrets has committed "an offense against intellectual property." Amends s. 815.04(3)(a), F.S. Companion to SB 366. *Rep. Mike LaRosa (R-Saint Cloud)*

- H. Government Operations Subcommittee: An amendment to the constitutionally-required statement of public necessity is adopted. Reported favorably as a committee substitute. Now in H. Judiciary.

HB 775 Exemption/Propriety Confidential Business Information – State Boxing Commission: HB 773 makes various changes to ch. 548, F.S., relating to the Florida State Boxing Commission. Of particular interest, HB 773 requires boxing promoters to retain certain records and provide copies of those records to the Commission upon request. HB 775 creates a public record exemption for proprietary confidential business information contained in the records provided to the Commission. "Proprietary confidential business information" is defined as information that is treated by the promoter as private in that disclosure would harm the promoter's business interest, including (1) the number of tickets sales for a match; (2) the amount of gross receipts after a match; (3) trade secrets; (4) business plans; (5) internal auditing controls; (6) security measures; and (7) information relating to the promoter's competitive interests. Creates s. 548.062, F.S. Companion to SB 808. *Rep. Travis Hutson (R-Palm Coast)* ☹

- H. Business and Professional Regulation Subcommittee: Two amendments, both fairly minor, are adopted. Reported favorably as a committee substitute. Now in H. Government Operations Subcommittee.

→ **SB 808 Exemption/Proprietary Confidential Business Information – State Boxing Commission:** Companion to HB 775. *Sen. Bill Galvano (R-Bradenton)* ☹

- S. Regulated Industries Committee: Three amendments, conforming SB 808 to its House companion, are adopted. Reported favorably by a vote of 8/1 (Sen. Detert voting no) as a committee substitute. Now in S. Governmental Oversight and Accountability.

HB 1051 Exemption/Unsolicited Proposals: Creates a public record exemption for unsolicited proposals held by "a responsible public entity," stipulating that the proposals will be exempt from public disclosure until the board receives and ranks the proposals. If all proposals received for the project are rejected, the unsolicited proposal will remain exempt for 12 months after the date of rejection. Creates s. 287.05712, F.S. Companion to SB 1318. *Rep. Ken Roberson (R-Port Charlotte*) **???**

- H. Government Operations Subcommittee: A strike-all amendment is adopted; reported favorably as a committee substitute. As amended, CS/HB 1051 creates a public record exemption for unsolicited proposals received by a "responsible public entity" until the entity provides notice of an intended decision for a qualifying project, at which time the unsolicited proposals are subject to public disclosure. If the entity rejects all proposals and provides notice of its intent to seek additional proposals, then unsolicited proposals will remain exempt until notice of an intended decision. Stipulates that unsolicited proposals are not exempt for more than 90 days after the entity rejects all proposals or more than 180 days if the entity fails to issue a competitive solicitation for a qualifying project. Also creates an exemption for those portions of meetings at which exempt unsolicited proposals are discussed, stipulating that a recording must be made of the closed session. Now in H. Local and Federal Affairs.

SB 1300 Exemption/Proprietary Confidential Business Information – Office of Insurance Regulation: Creates a public record exemption for proprietary confidential business information held by the Office of Insurance Regulation (OIR) relating to insurer solvency. Defines "proprietary confidential business

information" as information owned or controlled by an insurer which is intended to be and is treated as private in that disclosure would cause harm to the insurer's business operations and is not otherwise readily available, including: (1) trade secrets; (2) information relating to competitive interests; (3) the source, nature, and amount of consideration used in carrying out a merger, including the identity of the lender; (4) information relating to bids or other contractual data; (5) internal auditing controls; (6) actuarial summaries; (7) notice of intent to divest controlling stock; (8) information required under s. 628.801 relating to insurance holding companies; (9) enterprise risk reports; (10) information provided to OIR regarding participation in a supervisory college; and (12) information received by OIR that is otherwise confidential or exempt. Creates s. 624.4212, F.S. *Sen. David Simmons (R-Altamonte Springs)* **???**

- S. Banking and Insurance Committee: A strike-all amendment is adopted; reported favorably as a committee substitute. As amended, CS/SB 1300 creates a public record exemption for proprietary confidential business information held by the Office of Insurance Regulation (OIR) relating to insurer insolvency and contained in: (1) actuarial opinion summaries; (2) notices of intent to divest controlling stock filed with OIR; (3) enterprise risk reports; information relating to participation in a supervisory college; and (4) other specified documents. "Proprietary confidential business information" is defined as information owned or controlled by an insurer which is intended to be and is treated as private in that disclosure would cause harm to the insurer's business operations and is not otherwise readily available, including: (1) trade secrets; (2) information relating to competitive interests; (3) the source, nature, and amount of consideration used in carrying out a merger, including the identity of a lender; (4) information relating to bids or other contractual data; and (5) internal auditing controls.

SB 1396 Exemption/Unsolicited Proposals: SB 900 authorizes a university board of trustees to receive unsolicited proposals and enter into agreements with a private entity to develop, improve, operate, own, or finance facilities. SB 1396 creates a public record exemption for unsolicited proposals received by a university board of trustees, stipulating that the proposals will be exempt from public disclosure until the board receives and ranks the proposals. If the board rejects all proposals received for the project, the unsolicited proposal will remain exempt for 12 months after the board rejects the proposals. Creates s. 1013.505(4), F.S. Companion to HB 543. *Sen. Bill Montford (D-Tallahassee)* **???**

- S. Education Committee: A strike-all amendment is adopted; reported favorably as a committee substitute. As amended, CS/SB 1396 creates a public record exemption for proprietary confidential business information contained in unsolicited proposals submitted to a university board of trustees by a private entity. "Proprietary confidential business information" is defined as information owned or controlled by the private entity which is intended to be and is treated as private in that disclosure would cause harm to the private entity's business operations and is not otherwise readily available, including: (1) trade secrets; (2) financial statements or financing terms; (3) patent-pending or copyrighted designs; (4) leasing or real property acquisition plans; and (5) marketing studies. In addition, unsolicited proposals are exempt until the university board of trustees receives and ranks the proposals; if all proposals are rejected, then unsolicited proposals will remain exempt for 90 days. Proprietary confidential information contained in the unsolicited proposals will remain exempt when the proposals are released. Finally, creates an exemption for portions of trustee board meetings at which unsolicited proposals are discussed, requiring that the meeting be recorded and transcribed. Now in S. Governmental Oversight and Accountability.

PUBLIC EMPLOYEES

CS/SB 238 Exemption/Public Defenders – Names of Spouses: Expands the public record exemption for home addresses of public defenders to create an exemption for the names of their spouses and children. Amends s. 119.071(4)(d)2.j., F.S. Companion to HB 69. *Sen. Arthenia Joyner (D-Tampa)*

- S. Special Order Calendar: Read a second time and rolled to third reading for passage by the Senate.

CS/SB 390 Exemption/Department of Health – Home Addresses: Creates a public record exemption for the home addresses, telephone numbers, dates of birth, and photographs of current or former Department of Health (DOH) personnel whose duties include the investigation or prosecution of complaints filed against health care practitioners, the inspection of licensed facilities, or the determination or adjudication of eligibility for social security benefits. Also exempts the names, home addresses, telephone number, dates of birth, and place of employment of the spouses and children of such personnel, and the names and locations of schools and day care facilities attended by their children. Creates s. 119.071(4)(d)2.m., F.S. Companion to HB 419. *Sen. Alan Hays (R-Umatilla)*

- S. Governmental Oversight and Accountability: Reported favorably. Now in S. Rules.

PUBLIC MEETINGS and RECORDS

SB 718 Notice/Public Meetings: Amends Florida's Sunshine Law to require that the required meeting notice include a specific description of all issues to be considered by a board or commission, and prohibits action on any issue not included in the notice unless the issue concerns "an impending public health, safety, welfare, or other emergency" that requires immediate action and consideration of the issue is approved by a super majority of the members of the board or commission. Amends s. 286.011(1), F.S. Companion to HB 985. *Sen. John Legg (R-Lutz)* ☺

- S. Community Affairs Committee: Reported favorably by a vote of 7/1 (Sen. Bradley voting no). Now in S. Governmental Oversight and Accountability.

SB 1648 Public Records and Meetings: Senate Proposed Bill 7064 was approved by the S. Governmental Oversight and Accountability Committee, and renumbered as SB 1648. The bill makes major changes to chapter 119, Florida's public records law, including:

- Amends s. 119.01 prohibiting an agency from paying dues with public funds to any organization unless certain records of the organization are open for inspection and copying, including all financial, business, and membership records pertaining to the agency paying dues, and all other records that the organization shares publicly or with its members.
- Amends s. 119.011 to include definitions of "confidential and exempt" and "exempt."
- Amends s. 119.07(1), codifying case law by stipulating that an agency can require that a public record request be made in writing *only if* there is a specific statute requiring that requests be made in writing, and requiring the custodian provide the requestor with the statutory citation.
- Amends the extensive use fee provision in s. 119.071(4)(d), stipulating that the cost of clerical or supervisory assistance can be no greater than the hourly rate, less benefits, of the lowest paid person capable of performing the task.
- Amends s. 119.0701, relating to contracts between a public agency and a contractor, to require contractors to notify the public agency (1) before denying a request to inspect or copy public

records held by the contractor and (2) if the contractor is going to be sued for failure to comply with the public records law.

- Creates s. 119.0702, requiring public records law training of all agency employees who deal with public record requests.
- Amends s. 119.12 relating to the recovery of attorney fees and court costs to
  - allow recovery of such fees and costs incurred in litigating the entitlement to recover such fees; and
  - stipulate that when suing a public agency for enforcement of the public records law and seeking attorney fees, notice to the Department of Financial Services is *not* required.
- Amends s. 286.011, F.S., to stipulate that when suing a public agency for enforcement of the open meetings law and seeking attorney fees, notice to the Department of Financial Services is *not* required.

Amends various statutory provisions. Companion to HB 1151. *S. Governmental Oversight and Accountability* ☺

- S. Appropriations Committee: Reported favorably by unanimous vote. **On the Senate Special Order Calendar for March 20.**

SOCIAL MEDIA

CS/SB 198 Social Media Privacy: Prohibits an employer from requesting or requiring an employee or potential employee to disclose a username or password, or to provide access to a personal social media account. Also prohibits an employer from taking retaliatory action against an employee for failure to provide access to a personal social media account or refusing to hire a potential employee for the same reason. Allows employers to request or require employees to disclose usernames and passwords for those social media accounts used for business purposes. Creates s. 448.077, F.S. Companion to HB 527. *Sen. Jeff Clemens (D-Lake Worth)* **WATCH**

- S. Governmental Oversight and Accountability Committee: Amended to stipulate that employers are not prohibited from complying with a legally-established duty to monitor or retain employee communications. Reported favorably as a committee substitute. Now in S. Judiciary.

TECHNOLOGY

CS/SB 928 State Technology: In pertinent part, creates the Agency for State Technology within the Department of Management Services (DMS), stipulating that the agency is a separate budget entity not subject to control or direction by DMS. Similar to SB 222 and HB 7073. *S. Governmental Oversight and Accountability*

- S. Appropriations Committee: A proposed committee substitute making minor changes to the section creating the Agency for State Technology, as amended, is adopted. Reported favorably as a committee substitute. **On the Senate Special Order Calendar for March 20.**

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