



## LEGISLATIVE REPORT

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- Current action
  - CS** Committee Substitute
  - P** Passed both Chambers
  - W** Withdrawn from further consideration
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For Period Ending March 21

### BASE CLOSURES

**SB 858 OGR/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*

- Senate: Passed unanimously. Now in H. Messages.

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

- H. State Affairs Committee: Reported favorably. Now on H. Calendar.

### COLLEGES AND UNIVERISTIES

**CS/HB 115 Exemption/University Direct Support Organizations:** As amended, creates an exemption for portions of meetings of a university direct support organization (DSO) board of directors when the board is discussing research funding proposals or plans or programs to support research. Amends s. 1004.28, F.S. Companion to SB 318. *Rep. Cary Pigman (R-Sebring)*

- H. Education Committee: Two amendments, one which would have narrowed the exemption and the other adding substantive provisions to the bill, were withdrawn from consideration, and CS/HB 115 was reported favorably. Now on H. Calendar.

**HB 135 Exemption/Executive Searches – Universities and Colleges:** Creates a public record exemption for information identifying applicants for president, provost or dean of a state university or college. Also creates an exemption for meetings held for the purpose of identifying or vetting such applicants, stipulating that the exemption does not apply to those meetings held for the purpose of establishing

qualifications or determining compensation except for those portions of such meetings that would disclose personal identifying information of an applicant or potential applicant which shall be closed to the public. Meetings held after a final group of applicants has been selected held for the purpose of making a final selection will be open and the names of the final group of applicants will be subject to disclosure at least 21 days before the meeting at which the finalist will be selected. Creates s. 1004.097, F.S. Companion to SB 728. *Rep. Dave Kerner (D-Palm Springs)* ☹️

- H. Government Operations Subcommittee: A minor amendment to the bill's effective date is adopted. Reported favorably as a committee substitute. Now in H. Education.

## COURT RECORDS

**CS/HB 111 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 SB 256. *Rep. Joe Gibbons (D-Pembroke Park)*

- H. Government Operations Subcommittee: A minor technical amendment is adopted. Reported favorably as a committee substitute. Now in H. Judiciary.

**HB 7101 OGSR/Estate Inventories:** Reenacts, with minor 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*

- H. State Affairs Committee: Reported favorably. Now on H. Calendar.

## CRIMINAL JUSTICE

**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. Judiciary Committee: Two relatively technical amendments are adopted; reported favorably as a committee substitute. Now on H. Calendar.

**HB 1021 Exemption/Human Trafficking Victims:** Expands the public record exemption for the expunged criminal history record of a human trafficking victim to also exempt investigative information related to the expunged records. Amends s. 943.0583(10), F.S. Companion to HB 1426. *Rep. Ross Spano (R-Riverview)*

- H. Criminal Justice Subcommittee: A proposed committee substitute, as amended, is adopted; reported favorably as a committee substitute. As amended, CS/HB 1021 expands the public record exemption for criminal intelligence or criminal investigative information under s. 119.071(2)(h), F.S., to also include information relating to human trafficking victims. Also amends s. 943.0583, F.S., to create an exemption for criminal intelligence or investigative information related to victims of human trafficking resulting from the arrest for an offense committed by the victim as part of a human trafficking scheme at the direction of the operator of the scheme, which is contained in expunged criminal history records. Now in H. Government Operations Subcommittee.

## DATA PRACTICES

**SB 782 Government Data Practices:** SB 782 contains numerous provisions relating to personal identifying information held by government agencies, and contains numerous provisions. Among the most significant:

- Department of State: Requires the Department of State (DOS) to adopt rules regarding the procedure for agencies for agencies to establish schedules for the destruction of public records containing personal identification information.
- Executive and Legislative Branch Agencies: Requires agencies that collect personal identification information through a website and retain such information to prominently post a privacy policy on the website, and stipulates what those policies must, at a minimum provide. Stipulates that all contracts between a public agency and a contractor specify that the contractor must also comply with the privacy policy requirement.
- Office of Program and Policy Analysis and Government Accountability: Requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to create a report which (1) identifies personal identification information held by an executive or legislative branch agency; (2) describes the process by which an individual may view and verify the accuracy of his or her personal identification information; and (3) identifies any obstacles that impede an individual's access to such records.
- Agency for Health Care Administration: Requires the Agency for Health Care Administration (AHCA) to provide electronic access to data on assisted living facilities, stipulating that such data must be searchable, downloadable, and available in generally accepted formats. At a minimum, the data must include (1) specified information on each assisted living facility; (2) a list of the facility's violations; and (3) links to inspection reports on file with AHCA. Also requires AHCA to create a comprehensive health information system to promote accessibility, transparency, and utility of state-collected data and information about health providers, facilities, services, and payment sources, stipulating that such data must be available in a manner allowing for and encouraging multiple and innovative uses of data sets.

Amends various statutory provisions. Similar to HB 1231. *Sen. Jeff Brandes (R-St. Petersburg)*

- S. Governmental Oversight and Accountability Committee: Two amendments are adopted; reported favorably as a committee substitute. The first amendment amends the provision relating to OPPAGA and the information it must collect and report by referencing a statutory definition of "state agency" and excluding certain agencies. The second amendment amends section 4 of the bill relating to AHCA, requiring that ACA provide, maintain, and update at least quarterly, electronically accessible data on assisted living facilities, stipulating that the data must be searchable, downloadable, and available in generally accepted formats, and at a minimum include: (1) specified information on each assisted living facility; (2) a list of the facility's violations; and (3) links to inspection reports on file with AHCA. The remainder of that section remains the same. Now in S. Appropriations Subcommittee on Health and Human Services.

## EDUCATION

**SB 646 OGSR/Education Records – Public Postsecondary Educational Institutions:** Reenacts, without modification, s. 1006.52, F.S., authorizing public postsecondary educational institutions to prescribe the content and custody of records the institution maintains on its students and applicants for admission, and providing a public record exemption for student education records consistent with the federal Family

Educational Rights and Privacy Act (FERPA). Reenacts s. 1006.52, F.S. Companion to HB 7121. *Sen. Bill Montford (D-Tallahassee)*

- S. Governmental Oversight and Accountability Committee: A strike-all amendment making minor technical modifications to s. 1006.52, F.S., is adopted. Reported favorably as a committee substitute. Now in S. Rules.

→ **HB 7121 OGSR/Education Records – Public Postsecondary Educational Institutions**: Companion to SB 646. *H. Government Operations Subcommittee*

**SB 648 OGSR/Education Records – Family Educational Rights and Privacy Act**: Reenacts, without modification, s. 1002.221, F.S., providing a public record exemption for K-12 education records as required by the federal Family Educational Rights and Privacy Act (FERPA). Reenacts s. 1002.221, F.S. Companion to HB 7119. *Sen. Bill Montford (D-Tallahassee)*

- S. Governmental Oversight and Accountability Committee: A strike-all amendment making minor changes to s. 1002.221, F.S., is adopted. Reported favorably as a committee substitute. Now in S. Rules.

→ **HB 7119 OGSR/Education Records – Family Educational Rights and Privacy Act**: Companion to SB 648. *H. Government Operations Subcommittee*

**SB 656 OGSR/Identifying Information – Testing Misconduct Investigations**: Reenacts, without modification, s. 1008.24, F.S., providing an exemption for certain identifying information contained in allegations of misconduct related to the administration of tests by schools and postsecondary educational institutions until the investigations into such allegations are complete or no longer active. Reenacts s. 1008.24, F.S. Companion to HB 7115. *Sen. Bill Montford (D-Tallahassee)*

- S. Governmental Oversight and Accountability Committee: A strike-all amendment making minor, technical changes to s. 1008.24, F.S., is adopted. Reported favorably as a committee substitute. Now in S. Rules.

→ **HB 7115 OGSR/Identifying Information – Testing Misconduct Investigations**: Companion to SB 656. *H. Government Operations Subcommittee*

**HB 7121 OGSR/Education Records – Public Postsecondary Educational Institutions**: Reenacts, without modification, s. 1006.52, F.S., authorizing public postsecondary educational institutions to prescribe the content and custody of records the institution maintains on its students and applicants for admission, and providing a public record exemption for student education records consistent with the federal Family Educational Rights and Privacy Act (FERPA). Reenacts s. 1006.52, F.S. Companion to SB 646. *H. Government Operations Subcommittee*

## 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.” 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. Amends, in part, ss. 112.3142, 112.3144, 112.3145, and 286.012, F.S. *Sen. Jack Latvala (R-Clearwater)* 😊

- Senate Special Order Calendar: A series of amendments requiring certain government officials and employees to comply with state ethics laws is adopted. CS/SB 846, as amended, was engrossed and rolled to third reading.

## EXAMINATIONS AND INVESTIGATIONS

**HB 1269 Exemption/Family Trust Companies – Office of Financial Regulation:** Creates various public record exemptions for certain records relating to family trust companies held by the Office of Financial Regulation (OFR), including: (1) all records relating to a registration, application or annual certification; (2) all records relating to examinations of such trusts; (3) reports of examinations, operations, or conditions, including working papers; (4) a list of names of shareholders or members ; and (5) information received by OFR that is otherwise confidential or exempt. Allows disclosure under certain, specified conditions, stipulating that the willful disclosure of this information is a third degree felony. Creates s. 663.148, F.S. Companion to SB 1320. *Rep. Charles McBurney (R-Jacksonville)* ???

- H. Insurance and Banking Subcommittee: A strike-all amendment is adopted; reported favorably as a committee substitute. As amended, CS/HB 1269 creates public record exemptions for certain records relating to family trust companies held by the Office of Financial Regulation (OFR), including: (1) all records relating to a registration, application or annual certification; (2) all records relating to examinations of such trusts; (3) reports of examinations, operations, or conditions, including working papers; (4) a list of names of shareholders or members ; (5) information received by OFR that is otherwise confidential or exempt; and (6) emergency cease and desist orders, until the order is made permanent. Allows disclosure under certain, specified conditions, stipulating that publication of the name of the family trust company and the name and address of the trust’s registered agent isn’t prohibited. Also stipulates that willful disclosure of this information is a third degree felony. Now in H. Government Operations Subcommittee. 😞

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

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

- H. State Affairs Committee: Reported favorably. Now on H. Calendar.

## MOTOR VEHICLE RECORDS

### **CS/HB 19 Exemption/Personal Information – Yellow Dot Critical Motorist Medical Information Program:**

CS/HB 17 creates the Yellow Dot Critical Motorist Medical Information Program, authorizing counties to create such programs to facilitate providing emergency medical care to program participants in the event of a motor vehicle accident or related medical emergency. HB 19 creates a public record exemption for the name, identifying photograph, and medical records of program participants. Companion to SB 350. *Rep. Irv Slosberg (D-Delray Beach)*

- H. Economic Affairs Committee: Reported favorably. Now on H. Calendar.

**CS/SB 226 Exemption/Automated License Plate Recognition Systems:** Creates a public record exemption for images obtained through the use of an automated license plate recognition system, as well as personal identifying information generated from images obtained through the use of such systems held by an agency. Creates s. 316.0777, F.S. Companion to HB 599. *Sen. Jeff Brandes (R-St. Petersburg)*

- S. Governmental Oversight and Accountability Committee: A substantial amendment adding various definitions and making some changes to the exemption is adopted. Reported favorably as a committee substitute. As amended, CS/SB 226 creates a public record exemption for images and data containing or providing personal identifying information obtained through the use of an automated license plate recognition system, as well as personal identifying information in data generated or resulting from images obtained through the use of such systems. Allows disclosure of the exempt information to a criminal justice agency under certain circumstances, and to the person to whom the vehicle is registered, unless the information constitutes active criminal investigative information. Now in S. Rules.

→ **CS/HB 599 Exemption/Automated License Plate Recognition Systems:** Companion to SB 226. *Rep. Travis Hutson (R-Palm Coast)*

- H. Economic Affairs Committee: A minor amendment is adopted. Reported favorably by a vote of 13/1 (Rep. Carlos Trujillo voting no) as a committee substitute. Now on H. Calendar.

## PERSONAL INFORMATION

**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. Rules Committee: Reported favorably. **Now on S. Special Order Calendar 3/26.**

**SB 516 Exemption/Individual Identifying Information – Homeless Management Information System:** Creates a public record exemption for individual identifying information contained in a Point-in-Time Count and Survey or the Homeless Management Information System collected pursuant to federal law. Defines “individual identifying information” as information that directly or indirectly identifies a specific person. Creates s. 420.6231, F.S. Companion to HB 399. *Sen. Jack Latvala (R-Clearwater)*

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

**CS/HB 525 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 SB 546. *Rep. J.W. Grant (R-Tampa)*

- H. Regulatory Affairs Committee: Reported favorably by a vote of 16/1, with Rep. Alan Williams voting no. Now on H. Calendar.

**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**

- Senate: A minor technical amendment is adopted on third reading. Passed unanimously as amended. Now in H. Messages.

**SB 538 Exemption/Email Addresses – Tax Collectors:** Creates a public record exemption for a taxpayer's email address held by a tax collector for the purposes of sending tax notices or obtaining the taxpayer's consent to send tax notices. Stipulates that email addresses provided by a taxpayer to the tax collector for any other purpose is subject to disclosure under the public records law. Creates s 197.3225, F.S.

Companion to HB 421. *Sen. Jack Latvala (R-Clearwater)* ☹

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

**HB 1029 Identity Theft:** Amends s. 817.568(2), F.S., relating to the criminal use of personal identification information to stipulate that a person who willfully and without authorization or without a legitimate business or professional purpose fraudulently uses, or possess with the intent to fraudulently use, personal identifying information commits a third degree felony. Stipulates that a person who possesses ten or more pieces of personal identification information is presumed to have intent to fraudulently use such information. Companion to SB 1472. *Rep. Frank Artiles (R-Miami)*

- H. Criminal Justice Subcommittee: A proposed committee substitute is adopted; reported favorably as a committee substitute. As amended, CS/HB 1029 makes it a second degree felony to willfully and without authorization fraudulently uses personal identification information of persons over the age of 60, disabled adults, public servants, veterans, or government employees. Also creates the Identity Theft and Fraud Task Force for the purpose of developing strategies and techniques to assist in the investigation and prosecution of the criminal use of personal identification information. Now in H. Justice Appropriations Subcommittee.

## PROPRIETARY INFORMATION

**SB 366 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 HB 643. *Sen. Jeff Brandes (R-St. Petersburg)*

- S. Governmental and Oversight Committee: An amendment to the constitutionally-required statement of public necessity is adopted; reported favorably as a committee substitute. Now in S. Rules.

**HB 1273 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. Companion to SB 1300. *Rep. Clay Ingram (R-Pensacola)*

- H. Banking and Insurance Committee: An amendment expanding the proposed exemption to include, and therefore exempt, proprietary business information contained in reports and documents related to the Standard Valuation Law provisions in a linked bill, HB 1271, is adopted. Reported favorably as a committee substitute. Now in H. Government Operations Committee.

**SB 1318 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 HB 1051. *Sen. Greg Evers (R-Pensacola) ???*

- S. Community Affairs Committee: A strike-all amendment is adopted; reported favorably as a committee substitute. As amended, CS/SB 1318 creates a public record exemption for unsolicited proposals held by “a responsible public entity,” stipulating that the proposals will be exempt until such time as the proposals are received, opened, and ranked. If all proposals are rejected, then the unsolicited proposal will remain exempt for 90 days after the rejection. Also creates an exemption for those portions of meetings at which the unsolicited proposals are discussed, requiring that the closed meetings must be recorded. Finally, creates a public record exemption for proprietary confidential business information contained in an unsolicited proposal, stipulating that such information will remain exempt. “Proprietary confidential business information” is defined as information that has been designated by the private entity submitting the proposal as information that is owned or controlled by the private entity; is intended to be and is treated as private; and that the disclosure of which will harm the private entity’s business interests, 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. Now in S. Governmental Oversight and Accountability.

## **PUBLIC EMPLOYEES and OFFICERS**

**HB 69 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 SB 238. *Rep. Sharon Pritchett (D-Miramar)*

- H. Government Operations Subcommittee: Reported favorably.
- H. Judiciary Committee: Reported favorably. Now on H. Calendar.

→ **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)*

- Senate: Passed the Senate unanimously. Now in H. Messages.

**CS/HB 419 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 result in the determination or adjudication of eligibility for social security benefits. Also exempts the names, home addresses, telephone numbers, 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 SB 390. *Rep. Doc Renuart (R-Ponte Vedra Beach)*

- H. Health and Human Services Committee: Reported favorably. Now on H. Calendar.

**HB 993 Exemption/Animal Researchers – Personal Identifying Information:** Creates a public record exemption for personal information of animal researchers employed by or under contract with a public research facility or state university contained in animal records; research protocols; purchase and billing records; animal care records; and facility and laboratory records. Companion to SB 414. *Rep. Travis Cummings (R-Orange Park)*

- H. Higher Education and Workforce Subcommittee: Amended to create a public record exemption for personal identifying information of those persons employed by, under contract with, or volunteering for a public research facility, including a state university, who conduct animal research or are engaged in activities related to animal research, contained in animal records, including animal care and treatment records; research protocols and approvals; purchase and billing records related to animal research or activities; animal care and use committee records; and facility and laboratory records related to animal research or activities. Now in H. Government Operations Subcommittee.

**SB 1678 OGSR/Agency Personnel – Social Security Numbers:** Reenacts and modifies the exemption for agency personnel social security numbers in s. 119.071(4)(a), F.S., to allow disclosure of the exempt information under certain, specified conditions. Amends s. 119.071(4)(a), F.S. Companion to HB 7143. *S. Governmental Oversight and Accountability Committee*

→ **HB 7143 OGSR/Agency Personnel – Social Security Numbers:** Companion to SB 1678. *H. Government Operations Subcommittee*

**HB 7049 OGSR/Personal Identifying Information – Dependent Children:** Reenacts, with minor technical modification, the public record exemption for personal identifying information of the dependent children of current or former agency employees. Reenacts s. 119.071(4)(b)2., F.S. Companion to SB 1108. *H. Government Operations Subcommittee*

- H. State Affairs Committee: Reported favorably. Now on H. Calendar.

## PUBLIC MEETINGS and RECORDS

**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* 😊

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

## RESEARCH FACILITIES

**CS/HB 711 Exemption/Alzheimer's Disease Research Grant Advisory Board:** In part, HB 709 creates the Ed and Ethel Moor Alzheimer's Disease Research Program within the Department of Health for the purpose of funding research leading to a cure of the disease. CS/HB 711 creates a public record exemption for applications provided to the Alzheimer's Disease Research Grant Advisory Board within the Department of Health for Alzheimer's disease research grants, and all records generated by the board relating to review of such applications. Also creates an exemption for those portions of board meetings during which grant applications are discussed, requiring that closed meetings be recorded and that the recording is subject to the same public record exemptions as outlined above. Final recommendations of

the board will be subject to disclosure. Amends s. 381.82, F.S. Companion to SB 840. *Rep. Matt Hudson (R-Naples)*

- H. Government Operations Subcommittee: A technical amendment is adopted; reported favorably as a committee substitute. Now in H. Health and Human Services.

→ **SB 840 Exemption/Alzheimer's Disease Research Grant Advisory Board**: Similar to HB 711, except that SB 840 doesn't require a recording of closed meetings. *Sen. Garrett Richter (R-Naples)*  
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- S. Health Policy Committee: A conforming amendment is adopted; reported favorably as a committee substitute. As amended, CS/SB 840 amends s. 381.82, F.S., creating a public record exemption for applications provided to the Alzheimer's Disease Research Grant Advisory Board within the Department of Health for Alzheimer's disease research grants, and all records generated by the board relating to review of such applications. Also creates an exemption for those portions of board meetings during which grant applications are discussed, requiring that closed meetings be recorded and that the recording is subject to the same public record exemptions as outlined above. Final recommendations of the board will be subject to disclosure. Now in S. Governmental Oversight and Accountability.

**SB 996 OGSR/Scripps Florida Funding Corporation**: Repeals s. 288.9551, F.S., providing numerous public record exemptions for the Scripps Florida Funding Corporation, as well as an exemption for those meetings of the corporation's board at which confidential and exempt information is discussed. Repeals s. 288.9551, F.S. Companion to HB 7047. *S. Commerce and Tourism* 😊

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

→ **HB 7047 OGSR/Scripps Florida Funding Corporation**: Companion to SB 996. *H. Government Operations Subcommittee* 😊

- H. Economic Development and Tourism Subcommittee: Reported favorably.
- H. State Affairs Committee: Reported favorably. Now on H. Calendar.

## SECURITY

**HB 1083 Exemption/Surveillance Recordings**: Creates a public record exemption for surveillance recordings created to monitor activities occurring inside or outside of public buildings or on public property held by community development districts. Creates s. 190.0121, F.S. Companion to SB 1218. *Rep. Frank Artiles (R-Miami)* 😞

- H. Transportation and Highway Safety Subcommittee: Reported favorably. Now in H. Government Operations Subcommittee.

**SB 1140 Exemption/Emergency Planning**: Expands the exemption in s. 119.071(5)(j), F.S. for information furnished by a person to an agency for the purpose of receiving emergency planning assistance to also include information furnished by a business for such purpose. Amends s. 119.071(5)(j), F.S. Companion to HB 7011. *Sen. Alan Hays (R-Umatilla)*

- S. Military and Veterans Affairs, Space, and Domestic Security Committee: A strike-all amendment is adopted; reported favorably as a committee substitute. As amended, CS/SB 1140 creates s. 252.905, F.S., providing an exemption for information furnished by a person or business to the

Division of Emergency Management for emergency planning purposes. Now in S. Governmental Oversight and Accountability.

## TAXES AND FEES

**CS/HB 177 Exemption/Prepaid Wireless E911 Fee:** HB 175, in pertinent part, amends s. 365.172, F.S., to require sellers of prepaid wireless service to pay a set fee per transaction to the Department of Revenue (DOR). CS/HB 177 expands the public record exemption in s. 365.174, F.S., for all information in returns, reports, accounts or declarations received by the Department of Revenue (DOR) to include information from providers of prepaid wireless E911 services. Amends s. 365.174, F.S. Companion to SB 292. *Rep. Greg Steube (R-Sarasota)*

- H. Regulatory Affairs Committee: Reported favorably. Now on H. Calendar.

## VOTER INFORMATION

**SB 1514 Exemption/Email Addresses – Registered Voters:** Creates a public record exemption for the email addresses of registered voters and registered voter applicants obtained for the purpose of voter registration. *Sen. Greg Evers (R-Pensacola)* ☹️

- S. Ethics and Elections Committee: Reported favorably by a vote of 9/2, with Senators Joyner and Soto voting no. Now in S. Governmental Oversight and Accountability.

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*If you'd like additional information about any of the bills included in this report or to know the Foundation's position on a specific bill, please call 800/337-3518. And check our website, <http://floridafaf.org>, for copies of bill letters to various sponsors.*