



LEGISLATIVE REPORT

-
- Current action
- CS** Committee Substitute
- W** Withdrawn from further consideration
-

For Period Ending April 4

COURT RECORDS

HB 125 Exemption/Minor Claim Settlements: Creates an exemption for court records relating to the settlement of a claim relating to guardianship on behalf of a minor or ward. Allows access to such records by a guardian ad litem, the minor if over 14, and the minor's attorney. Companion to SB 108. *Rep. Elaine Schwartz (D-Hollywood)*

- H. Judiciary Committee: Reported favorably by a vote of 14/1, with Rep. Gaetz voting no. Now on H. Calendar.

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)*

- Senate: Unanimously passed the Senate. Now in H. Messages.

CRIMINAL JUSTICE

CS/HB 89 Threatened Use of Force: In pertinent part, allows for expungement of criminal history records when a state attorney or court dismiss an information, indictment, or other charging document because of a finding that the person accused acted in lawful self-defense. Creates s. 776.09, F.S. Companion to SB 448. *Rep. Neil Combee (R-Auburndale)*

- Senate: Substituted for CS/SB 448. An amendment by Sen. Chris Smith striking the expungement provision from the bill fails to pass. The bill was then rolled to third reading and passed the Senate by a vote of 32/7. **PASSED THE LEGISLATURE**

- **CS/SB 448 Threatened Use of Force:** Companion to HB 89. *Sen. Greg Evers (R-Pensacola)* ☹
- Senate: CS/SB 448 was tabled and its companion, CS/HB 89 was substituted. See CS/HB 89, above.

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

CS/HB 1019 Exemption/Location of Safe Houses: Creates a public record exemption for information about safe houses and safe foster homes held by an agency. Amends s. 409.1678, F.S. Companion to SB 1436. *Rep. Ross Spano (R-Riverview)*

- H. Government Operations Subcommittee: Reported favorably.
- H. Health and Human Services Committee: A strike-all amendment is adopted. Reported favorably as a committee substitute. As amended, CS/HB 1019 creates a public record exemption for information about the location of a safe house, safe foster home, or other residential facility serving victims of sexual exploitation. Also creates an exemption for information about the location of a residential facility offering services for adult victims of human trafficking involving commercial sexual activity. Creates ss. 409.1678 and 787.06, F.S. Now on H. Calendar.

→ **SB 1436 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. Companion to HB 1019. *Sen. Anitere Flores (R-Miami)*

- S. Children, Families, and Elder Affairs Committee: A strike-all amendment conforming SB 1436 to its House companion, CS/HB 1019 (described above), is adopted. Reported favorably as a committee substitute. Now in S. Governmental Oversight and Accountability.

CS/HB 1021 Exemption/Human Trafficking Victims: 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. Amends ss. 119.071(2)(h) and s. 943.0583(10), F.S. Companion to SB 1426. *Rep. Ross Spano (R-Riverview)*

- H. Government Operations Subcommittee: Reported favorably. Now in H. Judiciary.

→ **SB 1426 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. Similar to HB 1021. *Sen. Anitere Flores (R-Miami)*

- S. Criminal Justice Committee: A strike-all amendment conforming SB 1426 to its House companion, CS/HB 1021 (above), is adopted; reported favorably as a committee substitute. Now in S. Governmental Oversight and Accountability.

DATA PRACTICES

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

- Department of State: Requires the Department of State (DOS) to adopt rules regarding the procedure 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 certain agencies; (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) 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. 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. Appropriations Subcommittee on Health and Human Services: A minor amendment is adopted. Reported favorably as a committee substitute. Now in S. Appropriations.

DATA SECURITY

CS/HB 7087 Exemption/Data Breach Notifications: HB 7085 creates the Florida Information Protection Act of 2014, requiring government agencies and private businesses to report any breach of security to the Department of Legal Affairs (DOLA), and to each individual whose personal information may have been accessed as a result of the breach. CS/HB 7087 creates a public record exemption for all information received by the Department of Legal Affairs (DOLA) pursuant to the requirement that DOLA be notified of all breaches of data security. Also creates an exemption for records relating to investigations of such breaches held by DOLA or a criminal justice agency, stipulating that the records are subject to disclosure once the investigation is complete. Allows disclosure during the investigation under certain specified conditions. The following information remains exempt once the investigation is complete: personal information; computer forensic reports; information revealing weaknesses in data security; and proprietary business information. "Proprietary business information" is defined as information owned or controlled by the entity reporting the breach that is intended to be private in that disclosure would cause harm to the entity's business operations, and has not otherwise been disclosed, including trade secrets and competitive interests. Creates s. 501.171, F.S. Companion to SB 1526. *H. Civil Justice Subcommittee*

- H. Judiciary Committee: A minor amendment is adopted. Reported favorably as a committee substitute. Now on H. Calendar.

→ **SB 1526 Exemption/Data Breach Notifications**: SB 1524 creates the Florida Information Protection Act of 2014, requiring government agencies and private businesses to report any breach of security to the Department of Legal Affairs (DOLA), and to each individual whose personal information may have been accessed as a result of the breach. SB 1526 creates a public record exemption for all information received by the department pursuant to the required notification. Also creates an exemption for records relating to investigations of security breaches, stipulating that the records are subject to disclosure once the investigation is complete. The following information will remain exempt once the investigation is complete: personal information, including a person's name, social security number, financial information, and email address; computer forensic reports; information revealing weaknesses in data security; and trade secret and proprietary information. Creates s. 501.171, F.S. Companion to HB 7087. *Sen. John Thrasher (R-St. Augustine) ???*

- S. Judiciary Committee: A strike-all amendment is adopted; reported favorably as a committee substitute. Now in S. Rules Committee. As amended, CS/SB 1526 creates a public record exemption for all information received by the Department of Legal Affairs (DOLA) pursuant to the requirement that DOLA be notified of all breaches of data security. Also creates an exemption for records relating to investigations of such breaches held by DOLA or a criminal justice agency, stipulating that the records are subject to disclosure once the investigation is complete. Allows disclosure during the investigation under certain specified conditions. The following information remains exempt once the investigation is complete: personal information; computer forensic reports; information revealing weaknesses in data security; and proprietary business information. "Proprietary business information" is defined as information owned or controlled by the entity reporting the breach that is intended to be private in that disclosure would cause harm to the entity's business operations, and has not otherwise been disclosed, including trade secrets and competitive interests.

DIRECT SUPPORT ORGANIZATIONS

HB 1153 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; (5) a copy of the organization's code of ethics; and (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 amount and purpose 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 SB 1194. *Rep. Bill Hager (R-Boca Raton)* 😊

- H. Government Operations Subcommittee: A proposed committee substitute is adopted; reported favorably by a vote of 10/2, with Reps. O'Toole and Rangel voting no. Now in H. State Affairs. As amended, the bill puts all citizen support and direct support organizations on a five year sunset review. Also creates s. 20.058, F.S., imposing reporting requirements on all 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; (5) a copy of the organization's code of ethics; and (6) a copy of the organization's most recent Form 990.
 - 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.

→ **SB 1194 Citizen Support and Direct Support Organizations**: Companion to HB 1153. S. *Governmental Oversight and Accountability*

- Senate/Special Order Calendar: Rolled to third reading for passage by the Senate.

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)*

- Senate/Special Order Calendar: Rolled to third reading for passage by the Senate.

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)*

- Senate/Special Order Calendar: Rolled to third reading for passage by the Senate.

CS/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)*

- Senate/Special Order Calendar: Rolled to third reading for passage by the Senate.

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

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

EXAMINATIONS and INVESTIGATIONS

CS/SB 1002 Exemption/Investigations – Office of Financial Regulation: SB 1006 authorizes the Office of Financial Regulation to conduct examinations and investigations of financial institutions without notice. CS/SB 1002 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 HB 415. *Sen. Alan Hays (R-Umatilla)*

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

CS/HB 1269 Exemption/Family Trust Companies – Office of Financial Regulation: 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. Creates s. 662.148, F.S. Companion to SB 1320. *Rep. Charles McBurney (R-Jacksonville)* ☹

- H. Government Operations Subcommittee: An amendment making minor technical changes to the bill is adopted. Reported favorably as a committee substitute. Now in H. Regulatory Affairs.

INSURANCE

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. 627.0628(3)(f)1., F.S. Companion to HB 7159. *Sen. Jeff Brandes (R-St. Petersburg)*

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

MOTOR VEHICLE RECORDS

CS/SB 226 Exemption/Automated License Plate Recognition Systems: 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. Creates s. 316.0777, F.S. Companion to HB 599. *Sen. Jeff Brandes (R-St. Petersburg)*

- Senate/Special Order Calendar: Rolled to third reading for passage by the Senate.

CS/SB 350 Exemption/Personal Information – Yellow Dot Critical Motorist Medical Information Program:

SB 262 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. CS/SB 350 creates a public record exemption for personal identifying information of participants in a yellow dot critical motorist medical information program. Companion to HB 19. *Sen. Joseph Abruzzo (D-Wellington)*

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

HB 555 Exemption/Automated Traffic Law Enforcement System: HB 555 provides conditions for use of automated traffic law enforcement systems, and preempts to state regulation the use of such systems to record vehicle speed. CS/HB 555 creates a public record exemption for recorded images obtained through the use of a traffic infraction detector, allowing for disclosure of the images under certain conditions. Allows access by the registered owner of the vehicle. Contains definitions. Creates s. 316.0777, F.S. Companion to SB 1476. *Rep. Charles McBurney (R-Jacksonville)*

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

CS/HB 865 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 SB 1046. *Rep. Dave Kerner (D-Palm Springs)* ☹

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

→ **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-Palm Springs)* ☹

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

CS/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. CS/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. Appropriations Subcommittee on Transportation, Tourism, and Economic Development: Reported favorably. Now in S. Appropriations.

PERSONAL INFORMATION

CS/HB 421 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 SB 538. *Rep. Ed Hooper (R-Clearwater)* ☹

- H. Government Operations Subcommittee: Two minor technical amendments are adopted. Reported favorably as a committee substitute. Now in H. Finance and Tax Subcommittee.

→ **SB 538 Exemption/Email Addresses – Tax Collectors**: Companion to HB 421. *Sen. Jack Latvala (R-Clearwater)* ☹

- Senate/Special Order Calendar: Two technical amendments are adopted. The bill, as amended, is rolled to third reading for passage by the Senate.

HB 457 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 SB 520. *Rep. Gayle Harrell (R-Port St. Lucie)*

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

→ **SB 520 Exemption/Dental Workforce Surveys**: Companion to HB 457. *Sen. Garrett Richter (R-Naples)*

- Senate/Special Order Calendar: Rolled to third reading for passage by the Senate.

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)*

- Senate/Special Order Calendar: Rolled to third reading for passage by the Senate.

SB 546 Exemption/Personal Identifying Information – Concealed Weapon Permits: SB 544 authorizes tax collectors to accept applications for concealed weapon licenses. SB 546 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. Rules Committee: Reported favorably by a vote of 11/2, with Senators Margolis and Sobel voting no. Now on S. Calendar.

SB 866 OGRS/Personal Identifying Information – Prescription Drug Monitoring Program: Reenacts, with modification, s. 893.0551, F.S., providing a public record exemption for patient identifying information in the prescription drug monitoring program records, as well as information identifying physicians and

pharmacists. SB 866 strengthens the security of personal information in the prescription drug monitory database and restricts the information the Department of Health (DOH) may share with law enforcement agencies under certain conditions. Reenacts s. 893.0551, F.S. *S. Health Policy*

- S. Governmental Operations Subcommittee: An amendment making various technical changes to the bill is adopted. Reported favorably as a committee substitute. Now in S. Rules.

CS/HB 1029 Identity Theft: Amends s. 817.568, F.S., stipulating that a person who fraudulently, willfully, and without authorization uses personal identification information of persons over the age of 60, disabled adults, public servants, veterans, or government employees has committed a second degree felony. 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.

Amends s. 817.568, F.S. Companion to SB 1472. *Rep. Frank Artiles (R-Miami)*

- H. Justice Appropriations Subcommittee: An amendment providing an appropriation for the Task Force is adopted; reported favorably as a committee substitute. Now in H. Judiciary.

→ **SB 1472 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 HB 1029. *Sen. Joseph Abruzzo (D-Wellington)* **WATCH**

- S. Criminal Justice Committee: A strike-all amendment conforming SB 1472 to its House companion, CS/HB 1029 (explained above), is adopted. Reported favorably as a committee substitute. Now in S. Appropriations Subcommittee on Criminal and Civil Justice.

SB 1700 Exemption/Personal Information – Compassionate Use Registry: SB 1030 allows specified physicians to prescribe low-THC marijuana to certain patients and requires the Department of Health (DOH) to create a compassionate use registry for the registration of physicians prescribing and patients receiving such marijuana. SB 1700 creates a public record exemption for the identifying information of physicians and patients contained in the registry. Allows for disclosure of such information under certain specified circumstances. Creates s. 456.61, F.S. *Sen. Aaron Bean (R-Jacksonville)*

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

PROPRIETARY INFORMATION

CS/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)*

- Senate/Special Order Calendar: Rolled to third reading for passage by the Senate.

CS/HB 1051 Exemption/Unsolicited Proposals: 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. Creates s. 287.05712, F.S. Companion to SB 1318. *Rep. Ken Roberson (R-Port Charlotte)*

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

→**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 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. Amends s. 287.05712, F.S. Companion to HB 1051. *Sen. Greg Evers (R-Pensacola)*

- S. Governmental Oversight and Accountability Committee: Reported favorably. 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; (11) information received by OIR that is otherwise confidential or exempt; and (12) proprietary business information contained in reports and documents related to Standard Valuation Law provisions. Creates s. 624.4212, F.S. Companion to SB 1300. *Rep. Clay Ingram (R-Pensacola)*

- H. Government Operations Subcommittee: A minor amendment slightly narrowing the exemption is adopted. Reported favorably as a committee substitute. Now in H. Regulatory Affairs.

→**CS/SB 1300 Exemption/Proprietary Confidential Business Information – Office of Insurance Regulation**: Companion to HB 1273. *Sen. David Simmons (R-Altamonte Springs)*

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

PUBLIC EMPLOYEES AND OFFICERS

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)*

- Senate/Special Order Calendar: Rolled to third reading for passage by the Senate.

CS/SB 414 Exemption/Animal Researchers – Personal Identifying Information: Creates 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. Companion to HB 993. *Sen. Charlie Dean (R-Inverness)*

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

→ **CS/HB 993 Exemption/Animal Researchers – Personal Identifying Information:** Companion to SB 414. *Rep. Travis Cummings (R-Orange Park)*

- H. Education Committee: Reported favorably. Now on H. Calendar.

SB 1108 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 HB 7049. *S. Community Affairs*

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

HB 7143 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 SB 1678. *H. Government Operations Subcommittee*

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

PUBLIC HEALTH

CS/HB 109 Exemption/Treatment-Based Drug Court Programs: Creates a public record exemption for information relating to participants in treatment-based drug court programs, as well as persons considered for treatment. The exemption applies to such information in initial screening records; substance abuse screening records; behavioral health evaluations; and treatment status reports. Creates s. 397.334(10), F.S. Companion to SB 280. *Rep. Joe Gibbons (D-Pembroke Park)*

- H. Judiciary Committee: A minor amendment related to the authorized release of the protected information is adopted. Reported favorably as a committee substitute. Now on H. Calendar.

→ **CS/SB 280 Exemption/Treatment-Based Drug Court Programs**: Companion to HB 109. *Sen. Rene Garcia (R-Hialeah)*

- S. Rules Committee: A minor technical amendment is adopted. Reported favorably as a committee substitute. Now on S. Calendar.

PUBLIC MEETINGS AND RECORDS

CS/HB 503 Governing Bodies/Public Meetings: Authorizes a city governing body to hold joint meetings to receive, discuss, and act upon matters of mutual interest with the governing body of the county in which the city is located. Amends s. 166.0213, F.S. Companion to SB 730. *Rep. Cary Pigman (R-Sebring)* **WATCH**

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

→ **CS/SB 730 Governing Bodies/Public Meetings**: Companion to HB 503. *Sen. Bill Galvano (R-Bradenton)* **WATCH**

- S. Governmental Oversight and Accountability Committee: A strike-all amendment is adopted; reported favorably as a committee substitute. As amended, CS/SB 730 allows a city government body to hold joint meetings to receive, discuss, and act upon matters of mutual interest with the governing body of the county within which the city is located or the government body of another city. Now in S. Rules.

HB 1151 Public Records: House Bill 1151 makes major changes to chapter 119, Florida's public records law, including:

- Creating s. 119.01(2), stipulating that requests to inspect or copy public records can be made at any agency location which provides or receives government services.
- Amends s. 119.01(4) prohibiting an agency from paying dues to any foundation or association unless certain records of the foundation or association 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 foundation or association shares publicly or with its members.
- Amends s. 119.011 to include definitions of "confidential and exempt" and "exempt."
- Amends s. 119.07(1)(a), 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 requests.
- 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. 119.11 to stipulate that before a lawsuit can be filed to enforce the public records law, the person bringing the suit must provide evidence that an attempt was made to contact the

agency's custodian of public records by telephone, e-mail, regular mail, or in person, using the contact information provided by the agency.

- 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.

Amends various statutory provisions. Companion to SB 1648. *Rep. Charles David Hood (R-Daytona Beach)*



- H. Government Operations Subcommittee: A proposed committee substitute is adopted. Reported favorably as a committee substitute. Now in H. State Affairs. As approved, CS/HB 1151:
 - Amends s. 119.011 to include definitions of "confidential and exempt" and "exempt."
 - Amends s. 119.07(1)(a), 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 requests.
 - 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.

RESEARCH FACILITIES

CS/SB 840 Exemption/Alzheimer's Disease Research Grant Advisory Board: 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. Creates s. 381.82, F.S. Companion to HB 711. *Sen. Garrett Richter (R-Naples)*

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

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* 😊

- Senate/Special Order Calendar: Rolled to third reading for passage by the Senate.

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

CS/SB 1140 Exemption/Emergency Planning: 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. Creates s. 252.905, F.S. Companion to HB 7011. *Sen. Alan Hays (R-Umatilla)*

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

→ **CS/HB 7011 Exemption/Emergency Planning:** Companion to SB 1140. *H. Economic Development and Tourism Subcommittee*

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

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)*

- Senate: Substituted for CS/SB 292 and rolled to third reading for final passage.

→ **CS/SB 292 Exemption/Prepaid Wireless E911** Companion to HB 177. *Sen. Alan Hays (R-Umatilla)*

- Senate/Special Order Calendar: CS/SB 292 was tabled, and its companion, CS/HB 177 was substituted. See CS/HB 177, above.

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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.