



## 2015 LEGISLATIVE REVIEW: PRE-SESSION REPORT

The following is a list of the bills we will be tracking throughout the 2015 Legislative Session. As usual, we have selected those bills with open government and first amendment implications we think will be of interest to our members. After the summary of each open government bill, you will find an easily recognizable indication of whether the bill is good or bad. Under this reporting system, 😊 = **Good** and ☹️ = **Bad**. Those bills that are neither good nor bad will not be marked. If we're **not sure** of a bill, it will be marked with **???**. During session, we will report any activity on these bills, as well as any new legislation that may be filed, on a weekly basis. Bills are listed in numerical order, grouped by subject matter. We suggest you keep this pre-session report, as the weekly reports may not contain a complete description of all the bills.

Open Government Sunset Review (OGSR): Under the Open Government Sunset Review Act of 1995, all exemptions to the Sunshine Law and Public Records Law must be reviewed and reenacted by the Legislature five years after the date of enactment, or the exemption will automatically “sunset”. The 2014 Legislature will be reviewing all exemptions created in 2010. Those bills will be included in our legislative reports and are designated “OGSR”.

### COLLEGES AND UNIVERSITIES

**SB 182 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 no later than 10 days before the meeting at which the finalist will be selected. Creates s. 1004.097, F.S.

Companion to HB 223. *Sen. Alan Hays (R-Umatilla)* ☹️

- S. Higher Education Committee: A minor amendment is adopted; reported favorably as a committee substitute by a vote of 7/2 (Sens. Gaetz and Joyner voting no). Now in S. Governmental Oversight and Accountability.

→ **HB 223 Exemption/Executive Searches – Universities and Colleges**: Companion to SB 182. *Rep. Neil Combee (R-Auburndale)* ☹️

**SB 1274 Exemption/Academic Research Development and Publication**: Creates a public record exemption for data, records, or information developed, collected, or received by or on behalf of faculty, staff, or students of a state university or college as a result of the development and publication of scholarly works and research for professional journals, professional societies, funding agencies, or peer review

panels. Such exempt information includes, but is not limited to, documents that contain personal identifying information of peer reviewers, research notes and data, methodologies, information provided by participants in research, and creative works. Stipulates that the information is exempt until published, patented, or otherwise disseminated. Creates s 1004.97, F.S. *Sen. Darren Soto (D-Kissimmee) ???*

**HB 4039 University Direct Support Organizations:** Deletes the public record exemption for the identity of donors to university direct support organizations (DSO) desiring anonymity. Also deletes the public record exemption for all records of the DSO and the meetings exemption for portions of meetings of the DSO board when discussing research proposals or plans or programs for initiating or supporting research. Amends s. 1004.28, F.S. *Rep. Michele Rehwinkel Vasilinda (D-Tallahassee) 😊*

## CONTRACTORS

**HB 163 Public Records/Public Agency Contracts:** Amends s. 119.0701, F.S., which requires all public agency contracts for services include a provision requiring contractors to comply with Florida's public records law, including access, maintenance, and retention requirements. HB 163 adds a definition of the phrase "acting on behalf of a public agency" and amends the definition of "contractor" under s. 119.0701(1). The bill requires the inclusion of a statement that the requirements of the public records law may apply to the contractor. Finally, requires a court to award attorney fees and court costs against a public agency or contractor that fails to comply with the requirements of the public records law *if* (1) the requestor has written notice by certified mail to the contracting agency of the failure by the contractor to comply with the law at least five days before filing the action, *and* (2) the court makes specific, written factual findings that the contractor acted in bad faith or willfully disregarded the law in refusing to allow a public record to be inspected or copied. Amends s. 119.0701, F.S. Companion to SB 224. *Rep. Halsey Beshears (R-Perry) ???*

→ **SB 224 Public Records/Public Agency Contracts:** Companion to HB 163. *Sen. Wilton Simpson (R-New Port Richey)*

- S. Governmental Oversight and Accountability Committee: A strike-all amendment is adopted; reported favorably as a committee substitute. As amended, CS/SB 224 requires the inclusion of a statement that the requirements of the public records law apply to the contract *unless* the agency has determined and expressly stated in the contract that the private entity is not a contractor. Requires that all requests for records related to the contract be made to the contracting agency; if the agency does not possess the requested records, the agency must immediately notify the contractor of the request, who must then produce the requested records within a reasonable period of time. Stipulates that if a court determines there was a violation of the public records law, the court must award attorney fees and court costs against the agency or contractor *if* the requestor provided written notice to the agency by certified mail of the request and failure to comply at least three business days before filing the action. Finally, stipulates that such notice must be provided to the contractor if the contractor is a named party in the lawsuit. Now in S. Judiciary.

## COURT RECORDS

**HB 7 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. Amends s. 744.3701, F.S. Similar to SB 360. *Rep. Kathleen Passidomo (R-Naples)*

- H. Civil Justice Subcommittee: Reported favorably.
- H. Government Operations Subcommittee: A minor amendment to the constitutionally required statement of public necessity is adopted; reported favorably as a committee substitute. Now in H. Judiciary.

→ **SB 360 Exemption/Minor Claim Settlements**: Companion to HB 7. *Sen. Kelli Stargel (R-Lakeland)*

- S. Children, Families, and Elder Affairs Committee: Two minor amendments are adopted; reported favorably as a committee substitute. Now in S. Governmental Oversight and Accountability.

## CRIMINAL JUSTICE

**HB 57 Body Cameras/Recording of Law Enforcement Activities**: Defines the term "body camera" and requires that all uniformed law enforcement officers assigned to patrol duties be equipped with a body camera while performing such duties, stipulating that the cameras be used to record activities taking place during motor vehicle stops or other law enforcement action taken during the course of official duties. Creates S. 943.1718, F.S. Companion to SB 248. *Rep. Shev Jones (D-West Park)* WATCH

- H. Criminal Justice Subcommittee: A proposed committee substitute is adopted; reported favorably as a committee substitute. As amended, CS/HB 57 defines the terms "body camera" and "law enforcement agency," requiring that a law enforcement agency that allows its officers to wear body cameras establish policies and procedures addressing the proper use, maintenance, and storage of body cameras and the data recorded by the cameras. Stipulates that such policies and procedures include limitations on which officers are permitted to wear body cameras and when such cameras should be used. Finally, requires that audio and video data recorded by body cameras be retained in accordance with s. 119.021, F.S. Now in H. Appropriations Committee.

→ **SB 248 Body Cameras/Recording of Law Enforcement Activities**: Companion to HB 57. *Sen. Chris Smith (D-Fort Lauderdale)* WATCH

- S. Criminal Justice Committee: A strike-all amendment making significant changes to the bill is adopted by a vote of 4/1 (Sen. Bradley voting no). Reported favorably as a committee substitute. As amended, CS/SB 248 creates a public record exemption for audio or video recordings made by a law enforcement officer in the course of his or her duties if the recording (1) is taken within the interior of a private residence; (2) is taken on the property of a health care, mental health care, or social services facility; (3) is taken at the scene of a medical emergency; (4) is taken in a place where a person recorded has a reasonable expectation of privacy; (5) shows a child younger than 18 inside a school or on school property; and (6) shows a child younger than 14 at any location. Allows disclosure under certain specified conditions, and requires the retention of such recordings for 90 days unless the record is part of an active criminal investigation or criminal intelligence operation or a court orders its retention for a longer period of time. Now in S. Governmental Oversight and Accountability. ???

**HB 183 Expunction/Criminal History Records – Minors:** Amends the provisions under ch. 943 allowing for the expunction of a minor’s nonjudicial arrest record to include expunction of arrest records relating to violent misdemeanors, specified felonies, and violations specified as a predicate offense for registration as a sexual offender if the minor successfully completed a prearrest or postarrest diversion program. Amends s. 943.0582, F.S. Companion to SB 488. *Rep. Sharon Pritchett (D-Miramar) ???*

→ **SB 488 Expunction/Criminal History Records – Minors:** Companion to HB 183. *Sen. Nancy Detert (R-Venice) ???*

**HB 205 Retention/Criminal History Records – Minors:** Section 943.0515(1), F.S., provides requirements for the retention of juvenile offender records – criminal history records of serious juvenile or habitual juvenile offenders (until age 26) and other minor offenders (until age 19). HB 205 amends the requirements, requiring retention until the minor’s 18<sup>th</sup> birthday. Amends s. 943.0515(1), F.S. Companion to SB 334. *Rep. Mia Jones (D-Jacksonville) ???*

→ **SB 334 Retention/Criminal History Records – Minors:** Companion to HB 205. *Sen. Arthenia Joyner (D-Tampa) ???*

**HB 467 Exemption/Human Trafficking Victims:** Expands the public record exemption for criminal intelligence and criminal investigative information to include any information revealing the identity of human trafficking victims under the age of 18. Amends s. 119.071(2)(h), F.S. *Rep. Ross Spano (R-Riverview)*

- H. Criminal Justice Subcommittee: Reported favorably. Now in H. Government Operations Subcommittee.

**HB 469 Exemption/Safe Houses – Sexual Exploitation Victims:** Creates a public record exemption 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 s. 407.1678(6) and s. 787.06, F.S. *Rep. Ross Spano (R-Riverview)*

- H. Criminal Justice Subcommittee: Reported favorably. Now in H. Government Operations Subcommittee.

**HB 581 Exemption/Body Camera Recordings and Videos:** Creates various public record exemptions for audio or video recordings made by a law enforcement officer: (1) taken within the interior of a private home; (2) taken within a hospital or health care provider’s building; (3) taken at the scene of a medical emergency; (4) showing a minor younger than 18 taken while the minor is inside a school; (5) and showing a minor younger than 14 taken at any location. Amends s. 119.071(2), F.S. Companion to SB 852. *Rep. David Santiago (R-Deltona) ???*

→ **SB 852 Exemption/Body Camera Recordings and Videos:** Companion to HB 581. *Sen. Miguel Diaz de la Portilla (R- Miami) ???*

**HB 1065 Law Enforcement Lethal Use of Force Commission:** Creates the Law Enforcement Lethal Use of Force Commission, requiring law enforcement agencies to report lethal use of force incidents to the commission within 24 hours. Requires state attorneys to notify the commission within two days of

beginning an inquiry into a law enforcement officer's use of force that resulted in death. Allows the commission to review incidents and determine whether an incident should be referred to the Attorney General for consideration of prosecution if the use of force appears unlawful. Creates s. 943.69, F.S. Companion to SB 1470. *Rep. Barbara Watson (D-Miami Gardens) WATCH*

→ **SB 1470 Law Enforcement Lethal Use of Force Commission:** Companion to HB 1065. *Sen. Dwight Bullard (D-Cutler Bay)*

**HB 1137 Exemption/Criminal History Records Expunction:** HB 1135 provides for the automatic expunction of criminal history records of persons who have had their civil rights restored, unless the person is classified as a violent career criminal, habitual felony offender, or is a registered sexual predator. HB 1137 creates a public record exemption for those expunged criminal history records, allowing disclosure under certain, specified conditions. Amends s. 943.595, F.S. Companion to SB 1356. *Rep. Cynthia Stafford (D-Opa Locka)*

→ **SB 1356 Exemption/Criminal History Records Expunction:** Companion to HB 1137. *Sen. Oscar Braynon II (D-Miami Gardens)*

**SB 1164 Expunction of Criminal History Records:** Allows a person who has been found guilty of driving under the influence to expunge a criminal history record of a subsequent offense if the person otherwise meets all of the requirements for expunction. Amends s. 943.0585, F.S. *Sen. Maria Lorts Sachs (D-Delray Beach) ???*

## ECONOMIC DEVELOPMENT

**HB 65 Exemption/Unsolicited Proposals:** In pertinent part, HB 63 creates the Division of Public-Private Partnerships with the Department of Economic Opportunity, requiring the Division to develop guidelines and best practices for the creation and management of public-private partnerships, and assist "responsible public" entities in the creation and management of such partnerships by a "responsible public entity." HB 65 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 public entity receives and ranks the proposals. If all proposals received for the project are rejected, the unsolicited proposal will remain exempt for 90 days after the date of rejection; if the responsible public entity doesn't issue a competitive solicitation for a qualifying project, the unsolicited proposal is exempt for 180 days following receipt by public entity. Also creates an exemption for those portions of board meetings at which unsolicited proposals are discussed, requiring that all closed portions be recorded, and stipulating a date certain when such recordings are subject to disclosure. Creates s. 287.05712, F.S. Companion to SB 826. *Rep. Greg Steube (R-Sarasota)*

- H. Government Operations Subcommittee: Two minor technical amendments are adopted; reported favorably as a committee substitute. Now in H. Local Government Affairs Subcommittee.

→ **SB 826 Exemption/Unsolicited Proposals:** Companion to HB 65. *Sen. Greg Evers (R-Pensacola)*

**HB 75 Department of Economic Opportunity Web Page:** Requires the DEO to create a web page dedicated to the collection and publication of data and information relevant and significant to the creation

of new businesses or the expansion of existing businesses within the state. Specifies what information is to be included on the web page. Creates s. 288.112, F.S. Companion to SB 232. *Rep. Neil Combee (R-Auburndale) WATCH*

→ **SB 232 Department of Economic Opportunity Web Page:** Companion to HB 75. *Sen. Alan Hays (R-Umatilla)*

## EDUCATION

**HB 59 Student Data Privacy:** Creates the Student Online Personal Information Protection Act, prohibiting the display of targeted advertising on a website or the use of information gathered on a website to create profiles of K-12 students. Also prohibits the sale and disclosure of student information with some specified exceptions. Creates s. 1002.223, F.S. Companion to SB 480. *Rep. Shev Jones (D-West Park)*

→ **SB 480 Student Data Privacy:** Companion to HB 59. *Sen. Oscar Braynon II (D-Miami Gardens)*

**SB 7004 OGSR/Commission for Independent Education:** Reenacts, without modification, s. 1005.38(6)(b), F.S. providing a limited exemption for investigative records of the Commission for Independent Education, allowing the Commission to close meetings of the probable cause panel at which such investigations are discussed. The meetings must be recorded, and both the investigative record and the recordings of the closed meetings are subject to disclosure 10 days after a determination regarding probable cause. Reenacts s. 1005.38(6)(b), F.S. Companion to HB 7005. *S. Higher Education*

- S. Higher Education Committee: Approved and reported as a committee bill.
- S. Governmental Oversight and Accountability Committee: Reported favorably. Now in S. Rules.

→ **HB 7005 OGSR/Commission for Independent Education:** Companion to SB 7004. *H. Government Operations Subcommittee*

## ENVIRONMENT

**HB 559 Exemption/Location of Artificial Reefs:** Creates a public record exemption for information that identifies the location of an artificial reef funded with private contributions which is contained in site files or records maintained by an agency. Amends s. 379.249(5), F.S. Companion to SB 846. *Rep. Brad Drake (R-Marianna) ???*

→ **SB 846 Exemption/Location of Artificial Reefs:** Companion to HB 559. *Sen. Greg Evers (R-Pensacola) ???*

## EVIDENCE

**HB 131 Use of Intercepted Wire or Oral Communications:** Creates an exception to the prohibition on the use of intercepted wire or oral communications as evidence in the prosecutions for acts of sexual abuse involving minors. Amends s. 934.06, F.S. *Rep. Jared Evan Moskowitz (D-Coral Springs) WATCH*

**SB 218 Interception and Recording of Oral Communications:** Allows a minor who is a victim of sexual abuse to intercept and record an oral communication of the abuser without the abuser's knowledge or consent. Amends s. 934.03, F.S. *Sen. Wilton Simpson (R-New Port Richey)*

**SB 542 Interception of Wire, Oral, or Electronic Communication:** Allows a child under the age of 18 to intercept and record an oral communication if the child is a party to the communication and has reasonable grounds to believe the communication will capture statements by another party that the other party intends to commit, is committing, or has committed an unlawful act of physical force or violence against the child. Amends s. 934.03, F.S. Companion to HB 7001. *Sen. Lizbeth Benacquisto (R-Fort Myers)*

→ **HB 7001 Intercepting and Recording Oral Communications:** Allows a person to intercept and record an oral communication if the person is a party to the communication and has reasonable grounds to believe the recording will capture a statement by another party that the other party intends to commit, is committing, or has committed an unlawful act of physical force or violence against a person. Companion to SB 542. *H. Criminal Justice Subcommittee*

## EXAMINATIONS AND INVESTIGATIONS

**HB 505 Baker Act Revisions:** Requires the Department of Children and Families to create a workgroup to make recommendation to improve the operational effectiveness of the Baker Act and make recommendations for changes to existing laws, rules, and agency policies. Companion to SB 514. *Rep. Lori Berman (D-Boynton Beach) WATCH*

→ **SB 514 Baker Act Revisions:** Companion to HB 505. *Sen. Joseph Abruzzo (D-Wellington)*

**HB 997 Exemption/Investigations – Department of Agriculture and Consumer Services:** Creates a public record exemption for information received or developed by the Department as part of a joint or multiagency examination or investigation with another state or federal agency. Also exempts criminal or civil intelligence, investigative information, or any other information held by the Department which is received from other state or federal regulatory, administrative, or criminal justice agency which is exempt pursuant to federal law or the laws of other states. Creates s. 570.077, F.S. Companion to SB 1446. *Rep. Jay Trumbull (R-Panama City)*

→ **SB 1446 Exemption/Investigations – Department of Agriculture and Consumer Services:** Companion to HB 997. *Sen. Garrett Richter (R-Naples)*

**SB 1536 Exemption/Florida RICO Act Investigations:** Creates a public record exemption for and information relating to a RICO Act violation until such time as all investigations relating to such information are completed. Amends s. 895.06, F.S. *Sen. Anitere Flores (R-Miami)*

**SB 7010 OGSR/Examination Techniques – Office of Financial Regulation:** Reenacts, with minor modifications, s. 517.2016, F.S., providing a public record exemption for information that would reveal examination techniques or procedures used by the Office of Financial Regulation. Reenacts s. 517.2016, F.S. *S. Banking and Insurance*

**SB 7032 Exemption/Identifying Information – Deceased Children:** Creates a public record exemption for information identifying the surviving siblings of a child whose death occurred as a result of a verified

report of abuse or neglect held by the State Child Abuse Death Review Committee. Also exempts information held by the Committee that reveals the identity of a deceased child whose death was reported to the central abuse hotline but determined not to be the result of abuse or neglect. Amends s. 383.412, F.S. *S. Health Policy*

## INSURANCE

**HB 805 Exemption/Bodily Injury Liability Insurance Policies:** Section 324.242, F.S., provides a public record exemption for personal identifying information of an insured and an insurance policy number regarding personal injury protection and property damage liability insurance policies. HB 805 expands that exemption to include information related to bodily injury liability insurance policies. Amends s. 342.242, F.S. Companion to SB 1268. *Rep. Carlos Trujillo (R-Doral)*

→ **SB 1268 Exemption/Bodily Injury Liability Insurance Policies:** Companion to HB 805. *Sen. Darren Soto (D-Kissimmee)*

## PERSONAL INFORMATION

**HB 151 Disclosure of Sexually Explicit Images:** Prohibits the intentional and knowing disclosure of sexually explicit images of an identifiable person to a social networking service or website with the intent to harass the subject of the photo. Creates s. 847.0136, F.S. Companion to SB 538. *Rep. Tom Goodson (R-Titusville)*  
WATCH

→ **SB 538 Disclosure of Sexually Explicit Images:** Companion to HB 151. *Sen. David Simmons (R-Altamonte Springs)* WATCH

**HB 171 Exemption/Personal Information – Emergency Information Systems:** Creates a public record exemption for personal information, including names, addresses, telephone numbers, email addresses, and health information, provided to an agency for the purpose of registering emergency residential or business information for the agency's emergency information gathering system. Creates s. 119.071(5)(k), F.S. Companion to SB 1272. *Rep. Katie Edwards (D-Sunrise)*

→ **SB 1272 Exemption/Personal Information – Emergency Information Systems:** Companion to HB 171. *Sen. Joseph Abruzzo (R-Wellington)*

**HB 185 Exemption/Home Addresses – Military Special Operations:** Creates a public record exemption for the home addresses, telephone numbers, and photographs of current or former service members of the U.S. military special operations units. Also exempts the names, home addresses, telephone numbers, and places of employment of the spouses and children of such service members, and the names and locations of schools and day care facilities attended by their children. Creates s. 119.071(4)(d)2.n., F.S. Companion to SB 674. *Rep. Matt Gaetz (R-Shalimar)*

- H. Veteran and Military Affairs Subcommittee: A strike-all amendment is adopted; reported favorably as a committee substitute. As amended, CS/HB 185 creates an exemption for the home addresses, telephone numbers, and photographs of current or former service members of the U.S. military special operations units. Also exempts the home addresses, telephone numbers, photographs, and places of employment of the spouses and children of such service



members, and the names and locations of schools and day care facilities attended by their children. Creates s. 119.071(5)(j), F.S. Now in H. Government Operations Subcommittee.

→ **SB 674 Exemption/Home Addresses – Military Special Operations:** Companion to HB 185. *Sen. Greg Evers (R-Pensacola)*

**SB 276 Publication/Mug Shots:** Prohibits the solicitation or acceptance of fees by a person who publishes or otherwise disseminates mug shots through a publicly accessible print or electronic medium for removing, correcting, or modifying such photographs. Creates s. 119.17, F.S. *Sen. Maria Lorts Sachs (D-Delray Beach)* WATCH

**HB 535 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 SB 552. *Rep. Chris Latvala (R-Clearwater)*

→ **SB 552 Exemption/Individual Identifying Information – Homeless Management Information System:** Companion to HB 535. *Sen. Alan Hays (R-Umatilla)*

**SB 646 Exemption/Florida ABLE Program:** SB 642 creates the Florida Achieving a Better Life Experience (ABLE) Act, requiring the Florida Prepaid College Board to establish a direct support organization known as Florida ABLE, Inc., to assist the disabled in saving money without losing their eligibility for state and federal benefits. SB 646 creates a public record exemption for personal financial and health information of participants in the program held by the Florida Prepaid College Board, Florida ABLE Inc., or the Florida ABLE program. Creates s. 1009.987, F.S. Companion to HB 939. *Sen. Lizbeth Benacquisto (R-Fort Myers)*

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

→ **HB 939 Exemption/Florida ABLE Program:** Companion to SB 646. *Rep. Ray Wesley Rodrigues (R-Fort Myers)*

**SB 1504 Exemption/Florida Health Access Marketplace:** Creates a public record exemption for personally identifiable financial information, tax returns, and personally identifiable health information obtained by the Florida Health Access Marketplace. Creates s. 641.815, F.S. *Sen. Darren Soto (D-Kissimmee)*

**SB 7000 OGSR/Personal Information – Public Transit Providers:** Reenacts s. 341.3026, F.S., providing a public record exemption for personal identifying information held by a public transit provider. Reenacts s. 341.3026, F.S. *S. Community Affairs*

- S. Community Affairs Committee: Approved and submitted as a committee bill.
- S. Governmental Oversight and Accountability Committee: A strike-all amendment transferring the exemption and renumbering it as s. 341.0521, F.S., is adopted. Reported favorably as a committee substitute.
- S. Rules Committee: Reported favorably. Now on S. Calendar.

→ **HB 7011 OGSR/Personal Information – Public Transit Providers:** Companion to SB 7000. *H. Government Operations Subcommittee*

**SB 7016 OGSR/Identifying Information – Minors:** Reenacts without modification s. 390.0116(2), F.S., providing an exemption for information that would identify a minor petitioning a circuit court for a judicial waiver under the Parental Notice of Abortion Act. Reenacts s. 390.0116(2), F.S. *S. Judiciary*

**SPB 7034 OGSR/Identifying Information – Stalking Victims:** Reenacts, without modification, ss. 97.0585(3) and (4), F.S., providing a public record exemption for the names, addresses, and telephone numbers contained in the voter registration records of persons who are victims of stalking or aggravated stalking if the victim complies with procedures for registering with the Office of the Attorney General under ss. 741.401 – 741.409, F.S. Reenacts ss. 97.0585(3) – (4), F.S. *S. Ethics and Elections ???*

## PRIVACY

**HB 571 Florida Privacy Protection Act:** Creates the Florida Privacy Protection Act, (1) declaring that digital data is property constitutionally protected from unreasonable search and seizure; (2) prohibiting the sale of personal identifying information by government entities for secondary commercial purposes; (3) prohibiting the use of wall-penetrating radar devices by law enforcement agencies except under certain specified conditions; (4) prohibiting disclosure of certain IP addresses; (5) regulating collection of images captured by drones; (6) restricting searches of portable electronic devices by law enforcement; (7) prohibiting government entities from entering into nondisclosure agreements with vendors of device monitoring equipment; (8) limiting the use of license plate readers; (9) requiring that school district contracts involving student data contain provision barring contractors from selling such data; (10) requiring the written permission of a parent or guardian or student before student data is provided to government or commercial interests; (11) prohibits the mining of student data; and (12) prohibits the Department of Highway Safety and Motor Vehicles from incorporating certain devices into driver licenses and from collecting fingerprints or DNA for certain purposes. Amends various statutory provisions. Companion to SB 1530. *Rep. Ray Wesley Rodrigues (R-Fort Myers) WATCH*

→ **SB 1530 Florida Privacy Protection Act:** Companion to HB 571. *Sen. Jeff Brandes (R-St. Petersburg)*

**HB 649 Drone Surveillance:** Creates the Freedom from Unwarranted Surveillance Act, prohibiting the use of drones to record images of privately owned or occupied real property or of the owner, tenant, or occupant of such property with the intent to conduct surveillance of the individual or property in violation of a reasonable expectation of privacy without written consent. Provides exceptions. Amends s. 934.50, F.S. Companion to SB 766. *Rep. Larry Metz (R-Groveland) WATCH*

→ **SB 766 Drone Surveillance:** Companion to HB 649. *Sen. Dorothy Hukill (R-Port Orange) WATCH*

**SB 1178 Florida Drone Privacy Act:** Amends s. 934.50, to create the Florida Drone Privacy Act, requiring the Florida Department of Law Enforcement (FDLE) to adopt guidelines for the use of drones by state and local law enforcement agencies. Requires annual reporting by law enforcement agencies to FDLE of the (1) number of times a drone was used, organized by date, time, location, and type of incident for each use; (2) number of criminal investigations aided by the use of a drone and a description of how the drone aided

each investigation; (3) number of times a drone was used for a law enforcement operation other than a criminal investigation, the dates and locations of those operations, and a description of how the drone aided in each operation; (4) type of information collected on the individual, residence, property, or area that was not the subject of a law enforcement operation and the frequency of the collection of such information; and (5) total cost of acquiring, maintaining, repairing, and operating, or otherwise using each drone for the preceding year. Requires FDLE to summarize the information obtained in a report to the Governor and legislative leaders.

Creates s. 934.55, F.S. to allow capturing images using a drone (1) for the purposes of professional or scholarly research and development by a person acting on behalf of a college or university; (2) in airspace designated by the FAA as a test site or range for the purpose of integrating drone systems into the national airspace; (3) as part of a military operation, exercise, or mission; (4) if the image is captured by a satellite for the purpose of mapping; (5) if the image is captured by or for an electric or natural gas utility under certain, specified conditions; (6) with the consent of the individual who owns or lawfully occupies the property captured in the image; (7) if the image is captured by a law enforcement agency in compliance with s. 934.50(4), F.S.; (8) if the image is captured by a law enforcement agency under certain, specified conditions; (9) at the scene of a spill or suspected spill of hazardous materials; (10) for the purpose of fire suppression; (11) for rescue purposes; (12) if the image is captured by a real estate broker in connection with the marketing, sale, or financing of real property; (13) of real property or a person on real property that is within 25 miles of the U.S. border; (14) from a height of no more than 8 feet under certain, specified conditions; (15) of public real property or a person on such property; (16) if the images are captured by the owner or operator of an oil, gas, water, or other pipeline for the purpose of inspecting, maintaining, or repairing the pipeline; (17) in connection with oil pipeline safety and rig protection; or (18) in connection with port authority surveillance and security. Stipulates it is illegal to capture an image by drone of an individual or privately owned real property with the intent to conduct surveillance, or possess, disclose, display, distribution or otherwise use such images. Provides penalties. Amends s. 934.50 and creates s. 934.55, F.S. *Sen. Garrett Richter (R-Naples)*

## PROPRIETARY INFORMATION

**HB 91 Exemption/Financial Information:** Currently, s. 812.081, F.S., provides a public record exemption for trade secrets, defined as “any scientific, technical, or commercial information.” HB 91 expands that definition to include financial information, meaning that all public record exemptions for trade secret information will also exempt financial information. A companion bill, HB 93, reenacts all trade secret exemptions under ch. 119, F.S. Amends s. 812.081, F.S. Companion to SB 564. *Rep. Ray Pilon (R-Sarasota)* ???

→ **SB 564 Exemption/Financial Information:** Companion to HB 91. *Sen. Garrett Richter (R-Naples)* ???

**HB 93 Trade Secret Exemptions:** HB 91 would expand the definition of “trade secret” as defined in s. 812.081, F.S., to include financial information. HB 93 incorporates by reference the expanded exemption in all statutory exemptions for trade secrets referencing s. 812.81, F.S. Amends various statutory provisions and places those provisions on a 5-year sunset review. Companion to SB 566. *Rep. Ray Pilon (R-Sarasota)* WATCH

→ **SB 566 Trade Secret Exemptions:** Companion to HB 93. *Sen. Garrett Richter (R-Naples)* WATCH

## PUBLIC EMPLOYEES

**HB 141 Exemption/Home Addresses – Impaired Practitioner Consultants:** Creates a public record exemption for the home addresses and telephone numbers of impaired practitioner consultants and their employees retained by the Department of Health or other state agency. Also exempts the names, home addresses, telephone numbers, and places 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.n., F.S. Companion to SB 144. *Rep. Doc Renuart (R-Ponte Vedra Beach) ???*

→ **SB 144 Exemption/Home Addresses – Impaired Practitioner Consultants:** Companion to HB 141. *Sen. Aaron Bean (R-Jacksonville)*

- S. Health Policy Committee: An amendment expanding the exemption is adopted; reported favorably as a committee substitute. As amended, CS/SB 144 creates an exemption for the home addresses, telephone numbers, dates of birth, and photographs of current or former impaired practitioner consultants and their employees whose duties result in a determination of a person's skill and safety to practice a licensed profession. Also exempts the names, home addresses, telephone numbers, dates of birth, and places 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. Requires consultants and employees to make reasonable efforts to protect such information from being accessible through other means available to the public.
- S. Governmental Oversight and Accountability Committee: Reported favorably.
- S. Fiscal Policy Committee: Reported favorably. Now on S. Calendar.

**HB 179 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. Creates s. 197.3225, F.S. Companion to SB 200. *Rep. Dane Eagle (R-Cape Coral) ☹*

- H. Local Government Affairs Subcommittee: Reported favorably. Now in H. Government Operations Subcommittee.

→ **SB 200 Exemption/Email Addresses – Tax Collectors:** Companion to HB 179. *Sen. Jack Latvala (R-Clearwater) ☹*

- S. Community Affairs Committee: Reported favorably.
- S. Governmental Oversight and Accountability Committee: Two minor amendments are adopted; reported favorably as a committee substitute. Now in S. Rules.

**HB 1015 Exemption/Agency Personnel Information:** Expands the current public record exemption for the home addresses of current law enforcement officers and civilian personnel, as well as certain employees of the Department of Children and Families, the Department of Health, and the Department of Revenue to also exempt (1) residential addresses other than home addresses, including former residences and residences in which such personnel frequently reside; (2) email addresses; (3) driver license numbers; (4) license plate numbers; (5) banking and financial information; and (6) information identifying former places of employment. Amends s. 119.071(4)(d)2.a., F.S. Companion to SB 1324. *Rep. Chris Latvala (R-Clearwater) ???*

→ **SB 1324 Exemption/Agency Personnel Information:** Companion to HB 1041. *Sen. Jack Latvala (R-Clearwater) ???*

**HB 1097 Exemption/Medical Marijuana Patient Registry:** HB 683 provides for the use of medical marijuana by registered patients. HB 1097 creates a public record exemption for a patient's personal identifying information held by the Department of Health in the electronic medical marijuana patient registry. Also exempts the ordering physician's identifying information. Creates s. 381.9941, F.S. *Rep. John Wood (R-Winter Haven)*

## PUBLIC PARTICIPATION

**HB 1041 Strategic Lawsuits Against Public Participation (SLAPP):** Section 768.295, F.S., prohibits strategic lawsuits against public participation (SLAPP) suits by government agencies in order to protect the rights of Floridians to speak freely in connection with public issues. HB 1041 makes various amendments to s. 768.295, including a definition of "free speech in connection with public issues." Amends s. 768.295, F.S. Companion to SB 1312. *Rep. Jared Evan Moskowitz (D-Coral Springs) WATCH*

→ **SB 1312 Strategic Lawsuits Against Public Participation (SLAPP):** Companion to HB 1041. *Sen. David Simmons (R-Altamonte Springs) WATCH*

## REGULATED INDUSTRIES

**SB 7008 OGSR/Licensure Examinations – Funeral Board:** Reenacts, without modification, s. 497.172(1), F.S., providing an exemption for portions of meetings of the Funeral, Cemetery, and Consumer Services Board at which licensure questions and answers are discussed. Reenacts s. 497.172(1), F.S. *S. Banking and Insurance*

**SB 7012 OGSR/Credit History and Credit Scores – Office of Financial Regulation:** Reenacts without modification s. 494.00125(3), F.S., providing a public record exemption for credit history information and credit scores related to licensing of mortgage brokers and lenders held by the Office of Financial Regulation in compliance with the federal S.A.F.E. Mortgage Licensing Act of 2008. Reenacts s. 494.00125(3), F.S. *S. Banking and Insurance*

## SECURITY

**HB 537 Exemption/CDD Surveillance Videos:** Creates a public record exemption for surveillance videos created to monitor activities occurring inside or outside of public buildings or on public property held by a community development district. Creates s. 190.0121, F.S. Companion to SB 962. *Rep. Danny Burgess (R-Zephyrhills) ☹*

→ **SB 962 Exemption/CDD Surveillance Videos:** Companion to HB 537. *Sen. John Legg (R-Lutz) ☹*

## SOCIAL MEDIA

**SB 126 Social Media Privacy:** Prohibits an employer from requesting or requiring access to the social media accounts of an employee or prospective employee under certain specified circumstances. Also prohibits retaliatory action in response to an employee's refusal to allow access to his or her social media accounts. *Sen. Jeff Clemens (D-Lake Worth) WATCH*

## TRANSPARENCY

**HB 549 Associations of Government Officials:** Requires an association of government officials receiving more than 25% of its annual revenue from state sources to submit an annual report to the Commission on Ethics, including: (1) all sources of revenue received by the association; (2) the salaries of employees and officers of the association, and a description of employment-related benefits; (3) litigation expenses incurred; and (4) a description of all political activities in which the association was engaged. Prohibits the use of funds received through the payment of dues in pursuit of litigation against the state. Amends ss. 112.328 and 216.345, F.S. *Rep. Manny Diaz, Jr. (R-Hialeah) 😊*

## VOTER INFORMATION

**HB 227 Online Voter Registration:** Requires the Florida Department of State to develop an online voter registration system. All information submitted online must be verified by the Department of Highway Safety and Motor Vehicles. Creates s. 97.0525, F.S. Companion to SB 228. *Rep. Alan Williams (D-Tallahassee) WATCH*

→ **SB 228 Online Voter Registration:** Companion to HB 227. *Sen. Jeff Clemens (D-Lake Worth) WATCH*



*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.*