



## 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**W** Withdrawn from further consideration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 6

### COLLEGES AND UNIVERSITIES

**CS/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. Governmental Oversight and Accountability Committee: An amendment making changes to the bill is adopted; reported favorably as a committee substitute by a vote of 4/1 (Sen. Bullard voting no). As amended, CS/SB 182 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 portions of meetings held for the purpose of identifying or vetting such applicants, as well as portions of meetings during which the identity of applicants is discussed. Requires that all such meetings must be reasonably noticed and that closed portions of the meetings be recorded. Creates a public record exemption for the recording of closed meetings. Stipulates that a list of finalists is subject to disclosure no later than 30 days prior to the date of the meeting at which the finalist will be selected. Now in S. Rules.

### 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) ???*

- H. Government Operations Subcommittee: A strike-all amendment, conforming the bill to its Senate companion, CS/SB 224, is adopted; reported favorably as a committee substitute. As amended, CS/HB 163 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 H. Government Appropriations Subcommittee.

## EVIDENCE

**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)*

- S. Criminal Justice Committee: A minor amendment is adopted; reported favorably as a committee substitute. As amended, CS/SB 542 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 sexual act of physical force or violence against the child. Now in S. Judiciary.

## EXAMINATIONS AND INVESTIGATIONS

**SB 514 Baker Act Revisions:** Requires the Department of Children and Families to create a workgroup to make recommendations to improve the operational effectiveness of the Baker Act and make recommendations for changes to existing laws, rules, and agency policies. Companion to HB 505. *Sen. Joseph Abruzzo (D-Wellington)*

- S. Children, Families, and Elder Affairs Committee: Reported favorably. Now in S. Appropriations Subcommittee on Health and Human Services.

**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*

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

## MOTOR VEHICLE RECORDS

**SPB 7040 Exemption/Email Addresses – Department of Highway Safety and Motor Vehicles:** Creates a public record exemption for email addresses collected by the Department of Highway Safety and Motor Vehicles. Amends s. 119.0712. Companion to HB 7041. *S. Transportation* ☹️

- S. Transportation Committee: Submitted as a committee bill.

→ **HB 7041 Exemption/Email Addresses – Department of Highway Safety and Motor Vehicles:** Companion to SB 7040. *H. Highway and Waterway Safety Subcommittee* ☹️

## PERSONAL INFORMATION

**SB 552 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 535. *Sen. Alan Hays (R-Umatilla)*

- S. Children, Families, and Elder Affairs Committee: Reported favorably. Now in S. Governmental Oversight and Accountability.

**CS/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. Governmental Oversight and Accountability Committee: Reported favorably. Now in S. Appropriations.

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

- H. Children, Families and Seniors Subcommittee: Reported favorably. Now in H. Government Operations Subcommittee.

**SB 674 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 HB 185. *Sen. Greg Evers (R-Pensacola)*

- S. Military and Veterans Affairs, Space, and Domestic Security Committee: A strike-all amendment, conforming the bill to its House companion, is adopted; reported favorably as a committee substitute. As amended, CS/HB 674 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 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 S. Governmental Oversight and Accountability.

**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 ???*

- S. Ethics and Elections Committee: Reported favorably as a committee bill.

### 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) ???*

- H. Criminal Justice Subcommittee: A minor amendment is adopted; reported favorably as a committee substitute. Now in H. Justice Appropriations Subcommittee.

**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*

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

**HB 1209 Exemption/Trade Secrets – High-Pressure Well Stimulation Chemical Disclosure Registry**: HB 1205, in pertinent part, amends ch. 377 to require that permits be obtained from the Department of Environmental Protection before performing high-pressure well stimulation, and that DEP conduct a study of such projects. The bill also stipulates that the national chemical registry, FracFocus, is to be used at the state’s registry for chemical disclosure for all wells on which high-pressure well stimulations are performed. HB 1209 creates a public record exemption for trade secrets relating to high-pressure well stimulations held by DEP in connection with the online high-pressure well stimulation chemical disclosure registry *if* the person submitting trade secret information to DEP (1) requests that the information be protected; (2) informs DEP of the basis for the claim of trade secret; and (3) clearly marks each page of a document containing such information as “trade secret.” If DEP receives a public record request for information so marked, the department must notify the person who submitted the information who then

has 30 days to file an action in circuit court seeking a determination whether the information is trade secret and an order barring public disclosure of the information. Amends s. 377.45. *Rep. Ray Wesley Rodrigues (R-Fort Myers) ???*

**HB 1235 Exemption/Proprietary Business Information – Department of Gaming Control:** HB 1233, the Florida Gaming Control Act of 2015, in pertinent part, creates the Department of Gaming Control for administration and enforcement of pari-mutuel wagering and gaming, and the licensing of destination resorts. HB 1235 creates a public record exemption for “proprietary business information,” defined as information that is owned or controlled by a gaming license applicant or licensee that (1) is intended to and is treated by such persons as private in that disclosure of the information would cause harm to the applicant’s or licensee’s business operations and has not otherwise been disclosed; and (2) is not otherwise readily ascertainable or publicly available. “Proprietary business information includes: (1) trade secrets; (2) information relating to business plans and competitive interests; (3) internal auditing controls and reports of internal auditors; and (4) reports of external auditors for privately held companies. Stipulates that proprietary business information obtained by the department during (1) the destination report license application process; and (2) department audits, examinations, investigations, or enforcement actions is exempt from disclosure, as is (3) information held by the department that reveals investigation techniques and procedures. Allows disclosure under certain, specified circumstances. Creates s. 551.229, F.S. *Rep. Dana Young (R-Tampa) ???*

**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*

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

## 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) ☹️*

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

## 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) 😊*

- H. Government Operations Subcommittee: A proposed committee substitute is adopted; reported favorably as a committee substitute by a vote of 8/4. As amended, CS/HB 549 defines the term

“membership association” as a not-for-profit corporation whose membership includes elected or appointed public officers and that receives 25% or more of its annual revenue from public funds. Requires membership associations to file an annual report with the Senate President and House Speaker providing: (1) the name and address of the association and any parent membership association with which it is affiliated; (2) the names, titles, telephone numbers, and addresses of the principal officers and all representatives of the association; (3) the amount of the annual fee, if any, and required membership dues; (4) the current annual financial statements; (5) a copy of the current constitution and bylaws; (6) the assets and liabilities of the association at the beginning and end of the preceding fiscal year; (7) the salary, allowances, and other direct or indirect disbursement, including reimbursed expenses, to each officer and employee who received more than \$10,000 in the aggregate from the association; (8) the annual dollar amount of benefit packages paid to each of the principal officers; (9) the total amount of direct or indirect disbursements for lobby activity at the federal, state, or local level incurred by the association; and (10) the total amount of direct or indirect disbursements for litigation expenses incurred. Finally stipulates that a membership association cannot spend public funds on litigation against the state. Now in H. Appropriations.

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