



2015 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W Withdrawn from further consideration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 13

COLLEGES AND UNIVERISTIES

HB 223 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 SB 182. *Rep. Neil Combee (R-Auburndale)* ☹

- **H. Higher Education and Workforce Subcommittee:** A strike-all amendment conforming the bill to its Senate companion is adopted by a vote of 9/1 (Rep. Rehwinkel Vasilinda voting no). Reported favorably as a committee substitute. As amended, CS/HB 223 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.

CONTRACTORS

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

- S. Judiciary Committee: A strike-all amendment, as amended, is adopted; reported favorably as a committee substitute. As amended, CS/CS/SB 224 requires the inclusion of a statement in all contracts for services instructing contractors with questions regarding application of the public records law to the contractor's duty to provide access to public records relating to the contract to contact the agency's custodian of public records. 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's custodian of public records by certified mail of the request and failure to comply at least five business days before filing the action. Finally, stipulates that such notice may be provided to the contractor if the contractor is a named party in the lawsuit. Now in S. Fiscal Policy Committee.

CRIMINAL JUSTICE

CS/SB 248 Body Cameras/Recording of Law Enforcement Activities: 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. *Sen. Chris Smith (D-Fort Lauderdale) ???*

- S. Governmental Oversight and Accountability Committee: Not considered.

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

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

HB 7065 Exemption/Child Pornography: Expands the public record exemption for criminal intelligence and investigative information under s. 119.071(2)(h), F.S., to include information that would identify victims of child pornography. Amends s. 119.071(2)(h), F.S. *H. Criminal Justice*

EDUCATION

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. Rules Committee: Reported favorably; now on S. Calendar.

HB 7005 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 SB 7004. *H. Government Operations Subcommittee*

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

ETHICS

HB 1315 Florida Ethics Center: Creates the Florida Ethics Center within the Office of the Chief Inspector General for the purpose of helping elected officials, candidates for office, and others who interact with government to study applied ethics, the impact of conflicts of interest, and other issues. Requires the Center to (1) train and education government officials about ethical concerns that affect relationships among business interests and promote the public good; (2) be available to other states and local governments as a training, education, and study center, allowing Florida to emerge as a leader in ethical government practice; (3) fund two resident ethics scholar positions; (4) fund visiting scholars and lecturers to make presentations on ethical issues; (5) produce an online newsletter and journal to disseminate applied ethics and civic engagement knowledge and to encourage study, discussion, and debate; (6) hold a national and international conference on government ethics; and (7) provide online and traditional educational courses, pamphlets, and training materials relating to government and applied ethics for elected officials and candidates. *Rep. Michelle Rehwinkel-Vasilinda (D-Tallahassee)* 😊

EVIDENCE

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*

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

EXAMINATIONS AND INVESTIGATIONS

HB 997 Exemption/Investigations – Department of Agriculture and Consumer Services: Creates a public record exemption for information received or development 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)*

- H. Business and Professions Subcommittee: Reported favorably. Now in H. Government Operations Subcommittee.

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. Companion to HB 7053. *S. Banking and Insurance*

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

HB 7053 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. Companion to SB 7010. *H. Government Operations*

HB 7061 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. Companion to SB 1536. *H. Civil Justice*

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

PERSONAL INFORMATION

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)*

- H. Economic Development and Tourism Subcommittee: A substantive amendment relating to disclosure of firearm or ammunition information is adopted without objection; reported favorably as a committee substitute. As amended, CS/HB 171 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. The bill as amended also prohibits an agency from requiring disclosure, or accepting voluntary disclosure, of any information concerning firearms or ammunition. Finally, stipulates that any person or entity participating in the collection of such information, including any "person, company, or entity responsible for providing the software" necessary for the gathering of the prohibited information, commits a third degree felony. Now in H. Government Operations Subcommittee. ???

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. Government Operations Subcommittee: A strike-all amendment making changes to the constitutionally required statement of public necessity is adopted. Reported favorably as a committee substitute. Now in H. Finance and Tax Committee.

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

- S. Rules Committee: Reported favorably. **Now on Senate Special Order Calendar, 3/18.**

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)*

- H. Economic Development and Tourism Subcommittee: Reported favorably. Now in H. Government Operations Subcommittee.

HB 7011 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. Companion to SB 7000. *H. Government Operations Subcommittee*

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

HB 7049 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. Companion to SB 7016. *H. Government Operations*

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 a 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) prohibiting the mining of student data; and (12) prohibiting 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*

- H. Criminal Justice Subcommittee: A strike all amendment making technical changes and correcting drafting errors is adopted; reported favorably as a committee substitute by a vote of 9/3 (Reps. Bracy, Pritchett, and Watson voting no). Now in H. Government Operations Subcommittee.

SB 766 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 HB 649. *Sen. Dorothy Hukill (R-Port Orange) WATCH*

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

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. Requires consultants and employees to make reasonable efforts to protect such information from being accessible through other means available to the public. Creates s. 119.071(4)(d)2.n., F.S. Companion to SB 144. *Rep. Doc Renuart (R-Ponte Vedra Beach)*

- H. Health Quality Subcommittee: An amendment making minor technical amendments is adopted; reported favorably as a committee substitute. Now in H. Government Operations Subcommittee.

PUBLIC PARTICIPATION

SB 1312 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. SB 1312 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 HB 1041. *Sen. David Simmons (R-Altamonte Springs) WATCH*

- S. Judiciary Committee: A lengthy amendment making various changes to the bill is adopted; reported favorably as a committee substitute. As amended, CS/SB 1312 amends s. 768.295, F.S., to prohibit lawsuits against public participation (SLAPP) suits by persons or government agencies against those who are exercising their constitutional rights of free speech in connection with public issues. CS/SB 1312 expands the definition of “free speech in connection with public issues” to include statements made before a governmental entity in connection with public business and statements made in connection with plays, movies, television programs, radio broadcasts, audiovisual works, books, magazine articles, musical works, and news reports. Now in S. Rules Committee.

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*

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

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. Companion to HB 7051. *S. Banking and Insurance*

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

HB 7051 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. Companion to SB 7008. *H. Government Operations*

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. Government Operations Subcommittee: Reported favorably by a vote of 9/3 (Reps. Cortes, Rader, and Taylor voting no). Now in H. Local and Federal Affairs Committee.

TRANSPARENCY

HB 985 Maintenance of Agency Final Orders: Requires agencies subject to chapter 120, the Administrative Procedures Act, to provide the Division of Administrative Hearings (DOAH) with electronic copies of agency final orders for inclusion in a centralized electronic database maintained by DOAH and available through its website. Amends s. 120.53. Companion to SB 1284. *Rep. Eric Eisnaugle (R-Orlando)*



- H. Rulemaking Oversight and Repeal Subcommittee: Three amendments, mostly technical in nature, are adopted. Reported favorably as a committee substitute. Now in H. Government Operations Subcommittee.

→ **SB 1284 Maintenance of Agency Final Orders:** Companion to HB 985. *Sen. Darren Soto (D-Kissimmee)* 😊

SB 1114 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 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. Creates s. 617.221, F.S. Companion to HB 549. *Sen. Kelli Stargel (R-Lakeland)*

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