



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 - W** Withdrawn from further consideration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 April 10

COURT RECORDS

CS/SB 360 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 HB 7. *Sen. Kelli Stargel (R-Lakeland)*

- S. Governmental Oversight and Accountability Committee: A minor technical amendment is adopted; reported favorably as a committee substitute. Now in S. Rules Committee.

CRIMINAL JUSTICE

SB 1612 Exemption/Criminal History Records: Creates various public records exemptions for criminal history records of adults or minors when such records have been expunged or sealed, allowing disclosure under certain circumstances, including pursuant to a court order. Amends ss. 953.0584, 943.0585, and 943.059, F.S. Companion to HB 7107. *Sen. Nancy Detert (R-Venice)*

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

SPB 7080 Law Enforcement Body Cameras: 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. Creates s. 943.1718, F.S. Companion to HB 57. *S. Criminal Justice*

- S. Criminal Justice Committee: A minor technical amendment is adopted, and the bill is reported favorably as a committee bill.

EVIDENCE

CS/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 sexual 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. Rules Committee: Reported favorably. Now on Senate Calendar.

EXAMINATIONS AND INVESTIGATIONS

CS/HB 997 Exemption/Investigations – Department of Agriculture and Consumer Services: Creates a public record exemption for information held 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 agencies. Creates s. 570.077, F.S. Companion to SB 1446. *Rep. Jay Trumbull (R-Panama City)*

- H. Regulatory Affairs Committee: A technical amendment is adopted; reported favorably as a committee substitute. Now on House Calendar.

CS/SB 1536 Exemption/Florida RICO Act Investigations: Creates a public record exemption for 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 HB 7061. *Sen. Anitere Flores (R-Miami)*

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

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. Allows disclosure of the protected information under certain circumstances. Amends s. 383.412, F.S. Companion to HB 7129. *S. Health Policy*

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

PERSONAL INFORMATION

CS/HB 151 Disclosure of Sexually Explicit Images: Creates the crime of sexual cyber-harassment, defined as the Internet publication of sexually explicit images of a person that identifies the person in the image without that person's consent and with the intent to cause substantial emotional distress to the person. Stipulates that a person who willfully and maliciously sexually cyber-harasses someone is guilty of a first-degree misdemeanor. Creates s. 784.049, F.S. Companion to SB 538. *Rep. Tom Goodson (R-Titusville)*

WATCH

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

CS/SB 538 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 HB 151. *Sen. David Simmons (R-Altamonte Springs)* WATCH

- S. Rules Committee: An amendment making some changes to the penalty provision and providing exceptions to the prohibition on disclosure is adopted. Reported favorably as a committee substitute. Now on Senate Calendar.

CS/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. Allows release of aggregated information if such information doesn’t identify anyone. Applies retroactively. Creates s. 420.6231, F.S. Companion to HB 535. *Sen. Alan Hays (R-Umatilla)*

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

CS/SB 674 Exemption/Home Addresses – U.S. Military Personnel: Creates a public record exemption for the home addresses, telephone numbers, and photographs of current or former service members of the U.S. Armed Forces, a reserve component of the Armed Forces, or the National Guard who served after September 11, 2001. 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. Requires such personnel to request confidentiality in writing and take reasonable steps to protect such information from being accessible through other means available to the public. Creates s. 119.071(5)(k), F.S. Companion to HB 185. *Sen. Greg Evers (R-Pensacola)*



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

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. Companion to HB 7049. *S. Judiciary*

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

PRIVACY

CS/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, occupant, invitee, or licensee 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. Appropriations Committee: An amendment defining the term “surveillance” is adopted; reported favorably as a committee substitute. Now on Senate Special Order Calendar.

PROPRIETARY INFORMATION

CS/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. Judiciary Committee: A minor amendment is adopted; reported favorably. As amended, CS/HB 91 amends and expands the definition of “trade secret” to include “any scientific, technical, or commercial information, including financial information.” Now on House Calendar.

CS/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) ???*

- H. Judiciary Committee: A lengthy amendment making technical changes to the bill language is adopted; reported favorably as a committee substitute. Now on House Calendar.

CS/SB 564 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.” SB 564 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, SB 566, reenacts all trade secret exemptions under ch. 119, F.S. Amends s. 812.081, F.S. Companion to HB 91. *Sen. Garrett Richter (R-Naples) ???*

- S. Governmental Oversight and Accountability Committee: A minor amendment is adopted, conforming the bill to its House companion; reported favorably. As amended, CS/SB 564 amends and expands the definition of “trade secret” to include “any scientific, technical, or commercial information, including financial information.” Now in S. Rules Committee.

CS/SB 566 Trade Secret Exemptions: SB 564 expands the definition of “trade secret” as defined in s. 812.081, F.S., to include financial information. SB 566 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 HB 93. *Sen. Garrett Richter (R-Naples) ???*

- S. Governmental Oversight and Accountability Committee: A lengthy amendment making technical changes to the bill language is adopted; reported favorably as a committee substitute. Now in S. Rules Committee.

SB 1582 Exemption/Trade Secrets – High-Pressure Well Stimulation Chemical Disclosure Registry: SB 1468, 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 as the state’s registry for chemical disclosure for all wells on which high-pressure well stimulations are performed. SB 1582 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. Companion to HB 1209. *Sen. Garrett Richter (R-Naples) ???*

- S. Governmental Oversight and Accountability Committee: Reported favorably by a vote of 3/1, with Sen. Bullard voting no. Now in S. Appropriations Committee.

PUBLIC EMPLOYEES

CS/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. CS/HB 1041 amends s. 768.295, F.S., which prohibits strategic lawsuits against public participation (SLAPP) suits by persons or government agencies in order to protect the right of free speech in connection with public issues in Florida. Defines the phrase “free speech in connection with public issues” as any written or oral statement protected under law that is made before a governmental entity in connection with an issue under consideration or review, or is made in connection with creative works. Amends s. 768.295, F.S. Companion to SB 1312. *Rep. Jared Evan Moskowitz (D-Coral Springs) 😊*

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

CS/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. 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. Amends s. 768.295, F.S. Companion to HB 1041. *Sen. David Simmons (R-Altamonte Springs) 😊*

- Senate: A minor, clarifying amendment is adopted on third reading. Passed the Senate unanimously as amended. Now in House Messages.

CS/SB 1324 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, state attorneys and statewide prosecutors, public defenders, and criminal conflict and civil regional counsel, 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) drivers license numbers; (4) license plate numbers; and (5) banking and financial information. Also expands the exemption for spouses and children of state attorneys, statewide prosecutors, public defenders, and

criminal conflict and civil regional counsel to include parents, siblings, and cohabitants. Amends s. 119.071(4)(d)2.a., F.S. Companion to HB 1015. *Sen. Jack Latvala (R-Clearwater)* ☹️

- S. Governmental Oversight and Accountability Committee: A lengthy amendment is adopted; reported favorably as a committee substitute. As amended, CS/CS/SB 1324 expands the current public record exemption for the home addresses of current law enforcement officers and civilian personnel, certain employees of the Department of Children and Families, the Department of Health, and the Department of Revenue, state attorneys and statewide prosecutors, public defenders, and criminal conflict and civil regional counsel, to also exempt (1) residential addresses (2) personal email addresses; (3) license plate numbers; and (4) banking and financial information. Also expands the exemption for spouses and children of such personnel to also include parents, siblings, and cohabitants. Now in S. Rules Committee.

REGULATED INDUSTRIES

CS/SB 716 Exemption/Veterinary Medical Practice: Creates a public record exemption for medical records relating to (1) diagnosing the medical condition of any animal; (2) prescribing, dispensing, or administering drugs, medicine, and appliances; and (3) treatments for prevention, cure, or relief of a wound, fracture, bodily injury, or disease of any animal held by a state college of veterinary medicine. Creates s. 474.2167, F.S. Companion to HB 1287. *Sen. Alan Hays (R-Umatilla)*

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

CS/HB 1287 Exemption/Veterinary Medical Practice: Creates a public record exemption for medical records relating to (1) diagnosing the medical condition of any animal; (2) prescribing, dispensing, or administering drugs, medicine, and appliances; and (3) treatments for prevention, cure, or relief of a wound, fracture, bodily injury, or disease of any animal held by a state college of veterinary medicine. Creates s. 474.2167, F.S. Companion to SB 716. *Rep. Doc Renuart (R-Ponte Vedra Beach)*

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

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. Companion to HB 7089. *S. Banking and Insurance*

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

TRANSPARENCY

CS/SB 1114 Associations of Government Officials: Creates s. 617.221, F.S., and 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. Creates s. 617.221, F.S. Companion to HB 549. *Sen. Kelli Stargel (R-Lakeland)* WATCH

- S. Appropriations Committee: Reported favorably by a vote of 12/6. Now on Senate Calendar.

CS/SB 1284 Maintenance of Agency Final Orders: Makes a minor change to s. 119.021, F.S., relating to custodial and maintenance requirements for public records, and amends s. 120.53 to require agencies subject to the Administrative Procedures Act to electronically transmit to the Division of Administrative Hearings a certified text-searchable copy of agency final orders rendered on or after July 1, 2015 for inclusion in DOAH's centralized database of agency final orders. Requires agencies to redact exempt information from the final order before transmission. Amends ss. 119.021 and 120.53, F.S. Companion to HB 985. *Sen. Darren Soto (D-Kissimmee)* 😊

- S. General Government Appropriations Subcommittee: Reported favorably. Now in S. Appropriations Committee.

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