



## 2016 LEGISLATIVE REVIEW: PRE-SESSION REPORT

The following is a list of the bills we will be tracking throughout the 2016 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. Our legislative reports are accessible on our website, [www.floridafaf.org](http://www.floridafaf.org).

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”.

Bills to Watch: This is a new feature that will appear in all reports throughout session. After the analyses of those bills we think deserve extra attention, we will include a brief statement about the impact of the proposed legislation, good or bad.

### COLLEGES AND UNIVERISTIES

**HB 4005 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)* 😊

**BILLS TO WATCH – HB 4005**: University direct support organizations (DSOs) are quasi-public institutions tasked with raising money to support university programs and projects. The identity of DSO donors can be withheld at the direction of the donor, and this has raised questions about the influence anonymous donors may wield. And under current law, DSOs have very broad public record exemptions, keeping virtually all DSO records under wraps. HB 4005 would change that, making all DSO records subject to disclosure, including the identity of donors. UPDATE: The University of Florida and the University of Central Florida have created DSOs to run and administer their respective athletic departments, meaning that most of the records of the athletic departments are exempt under the broad DSO exemption. This is contrary to the traditional role of a university DSO and HB 4005 would have a big impact on those two universities.

## CONTRACTORS

**HB 273 Public Records/Public Agency Contracts:** Amends s. 119.07(1), F.S., to require agencies to designate a custodian of public records, stipulating that requests to inspect or copy public records must be made directly to the custodian or the agency head in order for the requestor to be eligible for attorney fees under the compulsory attorney fee provision in s. 119.12.

HB 273 also 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, to include requirements on the transfer and retention of public records by a contractor upon completion of the contract. Finally, HB 273 requires a court to award attorney fees and court costs against a contractor who fails to comply with the requirements of the public records law *if* the public record request was made to the contractor's registered agent or to an employee or agency that acts in a management or supervisory capacity. Amends ss. 119.07(1) and s. 119.0701, F.S. Companion to SB 390. *Rep. Halsey Beshears (R-Perry) ???*

- H. Government Operations Subcommittee: A strike-all amendment is adopted; reported favorably as a committee substitute. CS/HB 273 amends s. 119.0701, F.S., to include requirements on the transfer and retention of public records by a contractor upon completion of the contract. Stipulates that requests to inspect or copy public records relating to an agency's contract for services must be made directly to the agency. If the agency doesn't possess the requested records, the agency must immediately notify the contractor of the request, and the contractor must provide the records to the agency or allow the records to be inspected or copied within a reasonable period of time. Contractors who fail to provide the requested records to the agency within a reasonable time may be subject to penalties under s. 119.10. If a civil action is filed against a contractor to compel the contractor to produce records relating to a contract for services, the contractor will be required to pay reasonable attorney fees and costs *if* (1) a court determines the contractor unlawfully refused to comply with the public record request within a reasonable period of time; *and* (2) the requestor provides written notice of the request, including a statement that the contractor has failed to comply with the request, to the public agency and to the contractor at least 8 days prior to filing the action. Finally, a contractor who complies with a public record request within 8 days of the notice being sent will not be liable for attorney fees and costs. Now in H. State Administration Committee.

**→SB 390 Public Records/Public Agency Contracts:** Amends s. 119.0701, F.S., to include requirements on the transfer and retention of public records by a contractor upon completion of the contract. Stipulates that requests to inspect or copy public records relating to an agency's contract for services must be made directly to the agency. If the agency doesn't possess the requested records, the agency must immediately notify the contractor of the request, and the contractor must provide the records to the agency or allow the records to be inspected or copied within a reasonable period of time. Contractors who fail to provide the requested records to the agency within a reasonable time may be subject to penalties under s. 119.10. If a civil action is filed against a contractor to compel the contractor to produce records relating to a contract for services, the contractor will be required to pay reasonable attorney fees and costs *if* (1) a court determines the contractor unlawfully refused to comply with the public record request within a reasonable period of time; *and* (2) the requestor provides written notice of the request, including a statement that the contractor has failed to comply with the request, to the public agency and to the contractor at least 8 days prior to filing the action. Finally, stipulates that an award for reasonable attorney fees and costs must be in accordance with s. 119.12. Companion to HB 273. *Sen. Wilton Simpson (R-New Port Richey)*

- S. Governmental Oversight and Accountability Committee: Reported favorably.
- S. Judiciary Committee: An amendment making minor changes to the provisions relating to penalties and the requirements for filing a civil action is adopted. The amendment also inserts language stipulating that a contractor who complies with a public record request within 8 days of the notice being sent will not be liable for attorney fees and costs. Reported favorably as a committee substitute. Now in S. Fiscal Policy.

## COURT RECORDS

**HB 679 Exemption/Family Law Records**: Creates a public record exemption for records and images of those records that relate to a matter or case governed by the Florida Rules of Family Law that cannot be placed on a publicly available website maintained by a clerk of court or that is removed from such a website. Amends s. 28.2221, F.S. Companion to SB 1436. *Rep. Larry Lee (D-Fort Pierce) ???*

→ **SB 1436 Exemption/Family Law Records**: Companion to HB 679. *Sen. Oscar Braynon (D-Miami Gardens) ???*

**HB 741 Exemption/Involuntary Assessment Petitions**: Creates a public record exemption for involuntary assessment and stabilization petitions filed with a court. Amends s. 391.6815, F.S. Companion to SB 762. *Rep. Dave Kerner (D-Palm Springs) ???*

→ **SB 762 Exemption/Involuntary Assessment Petitions**: Companion to HB 741. *Sen. Joseph Abruzzo (D-Wellington) ???*

**HB 1027 Exemption/Petitions for Incapacity**: Amends ch. 394, F.S. to create various public records exemptions for (1) personal identifying information of a person for whom a Baker Act petition is filed or ordered by a judge and filed with the clerk of court; (2) petitions and ex parte orders for involuntary examinations; (3) petitions and court orders related to involuntary outpatient placements; and (4) petitions and court orders for involuntary inpatient placements. Amends ss. 394.4615; 394.463; 394.4655; and 394.467, F.S. Companion to SB 1278 and SB 1280. *Rep. Janet Adkins (R-Fernandina Beach) ???*

→ **SB 1278 Exemption/Petitions for Incapacity**: Companion to HB 1027 and SB 1280. *Sen. Jeremy Ring (R-Margate) ???*

→ **SB 1280 Exemption/Baker Act and Involuntary Examinations and Placements**: Companion to HB 1027 and SB 1280. *Sen. Jeremy Ring (R-Margate) ???*

## CRIMINAL JUSTICE

**HB 13 Retention/Criminal History Records – Minors**: Amends the provisions under ch. 943 relating to retention of criminal history records of minors classified as a serious or habitual juvenile offender. Currently, s. 943.0515(1)(a), F.S., requires that such records be retained for five years after the offender reaches the age of 21 at which point the record must be expunged. HB 13 shortens the retention period, allowing expunction after the minor turns 18 or the first day the minor is no longer in custody or under

supervision, whichever is later. Amends s. 943.0515(1)(a), F.S. Companion to SB 70. *Rep. Mia Jones (D-Jacksonville)* WATCH

→**SB 70 Retention/Criminal History Records – Minors:** Companion to HB 13. *Sen. Arthenia Joyner (D-Tampa)* WATCH

**HB 93 Body Cameras/Policies and Procedures:** Defines the term “body camera,” requiring law enforcement agencies using body cameras establish policies and procedures addressing the proper use, maintenance, and storage of body cameras and the data recorded by such cameras. Those law enforcement agencies using body cameras must also ensure that all personnel who use the cameras receive training on the agency’s policies and procedures. Creates S. 943.1718, F.S. Companion to SB 418. *Rep. Shev Jones (D-West Park)* WATCH

- H. Criminal Justice Subcommittee: Reported favorably. Now in H. Appropriations Committee.

→**SB 418 Body Cameras/Policies and Procedures:** Companion to HB 93. *Sen. Chris Smith (D-Fort Lauderdale)* WATCH

**HB 147 Expunction/Criminal History Records – Minors:** Amends the provisions under ch. 943 relating to expunction of criminal history records of minors not classified as serious habitual offenders. Currently, s. 943.0515(1)(b), F.S., requires that such records be retained for five years after the minor turns 19, after which the record can be expunged under certain specified conditions. HB 147 allows expunction five years after the date of the offense. Amends s. 943.0515(1)(b), F.S. Companion to SB 386. *Rep. Chris Latvala (R-Clearwater)* WATCH

- H. Criminal Justice Subcommittee: One amendment adopted; reported favorably as a committee substitute. As amended, CS/HB 147 amends s. 943.0595(1)(b) to allow minors not classified as habitual juvenile offenders to apply for expunction of a criminal history record prior to turning 21 if the minor is between the ages of 18 – 21 and has not been charged with or found guilty of any criminal offense within five years before the application date. Stipulates that only those offenses committed prior to the minor turning 18 can be expunged.
- H. Criminal Justice Appropriations Subcommittee: An amendment providing fees for expunction applications is adopted; reported favorably as a committee substitute. Now in H. Judiciary Committee.

→**SB 386 Expunction/Criminal History Records – Minors:** Amends the provisions under ch. 943 relating to expunction of criminal history records of minors not classified as serious habitual offenders. Currently, s. 943.0515(1)(b), F.S., requires that such records be retained for 5 years after the minor turns 19, after which the record can be expunged under certain specified conditions. SB 386 allows expunction two years after the minor turns 19. Amends s. 943.0515(1)(b), F.S. Companion to HB 147. *Sen. Nancy Detert (R-Venice)* WATCH

- S. Criminal Justice Committee: Reported favorably.
- S. Appropriations Subcommittee on Criminal and Civil Justice: Reported favorably. Now in S. Fiscal Policy Committee.

**HB 293 Exemption/Juvenile Criminal History Records:** Amends s. 985.04, F.S., to create a public record exemption for confidential information relating to juvenile offenders obtained under ch. 985, and to stipulate that the name, photograph, address, and crime or arrest report of a juvenile (1) taken into

custody for a violation of law that would be classified as a felony if committed by an adult; (2) charged with a violation of law which, if committed by an adult, would be a felony; (3) found to have committed a crime which, if committed by an adult would, be a felony; or (4) transferred to adult court is *not* exempt from public disclosure. Also amends s. 943.053(3) relating to the dissemination of criminal history information to conform to s. 985.04. Amends ss. 985.04 and 943.053. Companion to SB 700. *Rep. Sharon Pritchett (D-Miramar)*

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

→ **SB 700 Exemption/Juvenile Criminal History Records**: Companion to HB 293. *Sen. Darren Soto (D-Kissimmee)*

**HB 475 Exemption/Identity of Felony Witnesses**: Creates a public record exemption for personal information of those who witness a felony, stipulating that the information remains exempt until the conclusion of the prosecution or until the statute of limitation has run, whichever occurs first. If there is no statute of limitation, then the information remains exempt for 10 years after the felony was committed. Creates s. 119.071(2)(m), F.S. Companion to SB 1314. *Rep. Edwin Narain (D-Tampa)* ☹

★ To see FAF's letter on HB 475, click here: <http://bit.ly/1Z8sS4O>

→ **SB 1314 Exemption/Identity of Felony Witnesses**: Creates a public record exemption for personal information of those who witness a felony, stipulating that the information remains exempt for 2 years after the felony was committed. Creates s. 119.071(2)(m), F.S. Companion to HB 475. *Sen. Charlie Dean (R-Inverness)* ☹

★ To see FAF's letter on SB 1314, click here: <http://bit.ly/1UzQ6j8>

**Bills to Watch – HB 475 and SB 1314**: According to the required statement of public necessity, protecting the identity of those who witness a felony is necessary because witnesses to such crimes may be concerned that their personal identifying information would become public knowledge, and they may be subject to intimidation or threats by those who committed the crime. That could well be true, but under our justice system, criminal defendants have a right to know the identity of their accusers, including the identity of witnesses. Once the identity of the witness is released to the defendant, government cannot prohibit the defendant from disclosing such information. Access to information about those who witness crimes is critical to our ability to judge the work of our state prosecutors and criminal justice system.

**SB 564 Exemption/Cold Case Task Force**: SB 174 creates the Cold Case Task Force within the Florida Department of Law Enforcement. SB 564 creates a public record exemption for active criminal intelligence and active criminal investigative information contained in records generated by the Task Force. Also creates an exemption for those portions of meetings of the Task Force during which exempt public record information is discussed or acted upon. *Sen. Aaron Bean (R-Jacksonville)* ???

**HB 905 Arrest Booking Photographs**: Prohibits a person who publishes or disseminates arrest booking photographs – mug shots – from soliciting or accepting a fee to remove, correct, or modify the photograph. Creates s. 119.17, F.S. Companion to SB 1072. *Rep. Bobby DuBose (D-Fort Lauderdale)*  
WATCH

→**SB 1072 Arrest Booking Photographs:** Companion to HB 905. *Sen. Darren Soto (D-Kissimmee)*  
WATCH

**HB 927 Exemption/Identifying Information – Relinquished Firearm Records:** HB 925 amends state law relating to protective injunctions to require the immediate relinquishment of all firearms by those served with a protective injunction. HB 927 creates a public record exemption for all records, data, information, and reports containing the name, address, and other identifying information of the respondent, petitioner, or recipient of those firearms relinquished. Also exempts the make, model, caliber, serial number, and other identifying information of such firearms. Creates s. 790.2335, F.S. Companion to SB 1408. *Rep. Alan Williams (D-Tallahassee) ???*

→**SB 1408 Exemption/Identifying Information – Relinquished Firearm Records:** Companion to HB 927. *Sen. Oscar Braynon (D-Miami Gardens) ???*

**SB 1366 Exemption/Child Pornography:** Expands the exemption for criminal intelligence and criminal investigative information to include information, photographs, videotapes, and images of victims of child pornography. Amends s. 119071(2), F.S. Companion to HB 7057. *Sen. Joseph Abruzzo (D-Wellington)*

→**HB 7057 Exemption/Child Pornography:** Companion to SB 1366. *H. Criminal Justice Subcommittee*

**SB 7022 OGSR/Photographs and Videos Depicting the Killing of a Person:** Reenacts, without modification, the public record exemption for photographs, videos, or audio recordings depicting or recording the “killing of a person,” defined as “all acts or events that cause or otherwise relate to the death of any human being, including any related acts or events immediately preceding or subsequent to the acts or events that were the proximate cause of death.” Reenacts s. 406.136, F.S. *S. Criminal Justice Committee* 😞

★ To see FAF’s letter on SB 7022, click here: <http://bit.ly/1ORCM4Y>

**BILLS TO WATCH – SB 7022:** FAF opposed this legislation when it was first enacted five years ago, and our position has not changed. The problem is the overly broad definition of “killing of a person” which includes anything leading up to or immediately following a death. For example, had this been law when Martin Lee Anderson died while in juvenile boot camp, we would not have been able to obtain access to the video depicting the callous response of the adults responsible. Public outrage over the video led to reform of the juvenile justice system and the closure of boot camps. And technically, this exemption could be used to deny access to dash cam and body cam videos. It’s a bad exemption and needs to be repealed or significantly scaled back.

## ECONOMIC DEVELOPMENT

**HB 97 Exemption/Unsolicited Proposals:** In pertinent part, HB 95 amends and renumbers s. 287.05712, F.S., relating to public-private partnerships, allowing a “responsible public entity” to request proposals from private entities for a qualifying project and to accept unsolicited proposals. HB 97 creates a public record exemption for unsolicited proposals received by “a responsible public entity,” stipulating that the proposals are exempt from public disclosure until the public entity provides notice of an intended decision for a qualifying project. 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 the public entity. Also creates an exemption for those portions of meetings at which unsolicited proposals are discussed, requiring that all closed portions be recorded, and providing a date certain when such recordings are subject to disclosure. Creates s. 255.065, F.S. Companion to SB 126. *Rep. Greg Steube (R-Sarasota)*

→ **SB 126 Exemption/Unsolicited Proposals:** Companion to HB 97. *Sen. Greg Evers (R-Pensacola)*

## EXAMINATIONS AND INVESTIGATIONS

**HB 643 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 a 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 754. *Rep. Jay Trumbull (R-Panama City)*

→ **SB 754 Exemption/Investigations – Department of Agriculture and Consumer Services:** Companion to HB 643. *Sen. Garrett Richter (R-Naples)*

**SB 7032 OGSR/Examinations and Investigations – Office of Financial Regulation:** Reenacts, without modification, the public record exemption for information received by the Office of Financial Regulation (OFR) from another state or a federal agency that is otherwise confidential or exempt. Also reenacts the exemption for information that is received or developed by OFR as part of a joint or multiagency examination or investigation. Reenacts s. 119.0712(3), F.S. Companion to HB 7035. *S. Banking and Insurance Committee*

- S. Banking and Insurance Committee: Reported favorably. Now in S. Governmental Oversight and Accountability where it is scheduled for consideration on January 11, 2016.

→ **HB 7035 OGSR/Examinations and Investigations – Department of Financial Services:** Companion to SB 7032. *H. Government Operations Subcommittee*

## FINANCIAL INFORMATION

**SB 196 Exemption/State Infrastructure Bank:** Creates a public record exemption for financial statements or other financial information received by the Department of Transportation from a private entity as part of an application to the state-funded infrastructure bank. Amends s. 339.55, F.S. Companion to HB 267. *Sen. Travis Hutson (R-Palm Coast)* ☹

★ To see FAF's letter on SB 196, click here: <http://bit.ly/1OCKNz1>

- S. Transportation Committee: A minor amendment is adopted; reported favorably as a committee substitute. As amended, CS/SB 196 creates a public record exemption for financial statements or other financial information received by the Department of Transportation from a private entity as part of an application process for assistance from the state-funded infrastructure bank. Now in S. Governmental Oversight and Accountability Committee.

→ **HB 267 Exemption/State Infrastructure Bank:** Companion to SB 196. *Rep. Mike LaRosa (R-Saint Cloud)* ☹

★ To see FAF's letter on HB 267, click here: <http://bit.ly/1n6n2Fr>

**SB 1094 Exemption/Limited Purpose International Trust Companies:** Creates a public record exemption for personal identifying information contained in records held by the Office of Financial Regulation relating to: (1) applications; (2) new or renewal registrations; (3) investigations; and (4) reports or investigations, including working papers, of a limited purpose trust company representative office. Also exempts the names of existing or prospective clients of affiliated international trust companies, and records received by OFR from another state or country that are otherwise confidential or exempt. Stipulates that the intentional disclosure of such information is a third degree felony. Creates s. 663.097, F.S. *Sen. Anitere Flores (R-Miami)* ???

**SB 7002 OGSR/Investigative and Audit Reports – Inspectors General:** Reenacts, with minor modification, the public record exemption for audit reports of internal auditors and investigative reports of inspectors general prepared on behalf of a unit of local government, stipulating that such records are subject to disclosure when the audit or investigation is final. Reenacts s. 119.0713(2), F.S. Companion to HB 7037. *S. Community Affairs Committee*

- S. Community Affairs Committee: Reported favorably as a committee bill. Now in S. Governmental Oversight and Accountability Committee where it is scheduled for a hearing on January 11, 2016.

→ **HB 7037 OGSR/Investigative and Audit Reports – Inspectors General:** Companion to SB 7002. *H. Government Operations Subcommittee*

## INSURANCE

**HB 1165 Exemption/ORSA Reports – Office of Insurance Regulation:** Creates a public record exemption for own-risk and solvency assessment (ORSA) reports and supporting documentation provided to the Office of Insurance Regulation pursuant to s. 628.8015, F.S. Amends s. 624.4212, F.S. Companion to SB 1416. *Rep. Bill Hager (R-Boca Raton)* ???

→ **SB 1416 Exemption/ORSA Reports – Office of Insurance Regulation:** Companion to HB 1165. *Sen. David Simmons (R-Altamonte Springs)* ???

## LICENSED PROFESSIONALS

**HB 1063 Exemption/Nursing Licensure Compact:** HB 1061 enacts the Nurse Licensure Compact, a multi-state agreement that establishes a mutual recognition system for the licensure of nurses, allowing nurses who receive multi-state licenses to practice in Florida. By enacting the Compact, Florida is required to adopt model legislation created by the National Council of State Boards of Nursing. HB 1063 creates a public record exemption for a nurse's personal identifying information obtained from the "coordinated licensure information system" held by the Department of Health or the Board of Nursing *unless* the state that originally reported the information authorizes disclosure by law. Also exempts meetings or portions of meetings of the Interstate Commission of Nurse Licensure Compact Administrators when discussing (1) the failure of a party state to comply with the Compact; (2) employment, compensation, discipline, or



other personnel matters, practices, or procedures; (3) current, threatened, or reasonably anticipated litigation; (4) negotiation of contracts for the purchase or sale of goods, services, or real estate; (5) accusing any person of a crime or formally censuring any person; (6) trade secrets or commercial or financial information required by the commission's bylaws or rules to be kept privileged or confidential; (7) information of a personal nature which the commission determines by a majority vote would constitute an unwarranted invasion of personal privacy if disclosed; (8) active investigative records compiled for law enforcement purposes; (9) investigative reports prepared by or on behalf of the commission; (10) information made exempt by state or federal law; and (11) information made exempt pursuant to rules or bylaws of the commission which protect privacy and proprietary information. Finally, creates a public record exemption for any records created during exempt meetings. Creates s. 464.0096, F.S. Companion to SB 1306. *Rep. Cary Pigman (R-Sebring) ???*

- H. Select Committee on Affordable Health Care Access: Scheduled for consideration on January 11, 2016.

→ **SB 1306 Exemption/Nursing Licensure Compact**: Companion to HB 1063. *Sen. Denise Grimsley (R-Sebring) ???*

## PERSONAL INFORMATION

**HB 65 Exemption/Identifying Information – Pot Registry**: Creates a public record exemption for personal identifying information of patients and physicians in the low-THC cannabis patient registry held by the Department of Health. Renumbers and amends s. 381.987, which is renumbered as s. 381.9941, F.S. *Rep. Greg Steube (R-Sarasota)*

- Withdrawn from consideration.

**SB 662 Exemption/Identifying Information - Compassionate and Palliative Care Plans**: Creates a public record exemption for information held in the clearinghouse for compassionate and palliative care plans at the Agency for Health Care Administration. Allows access by physicians, patients or their legal guardians, and health care facilities under certain specified conditions. Creates s. 408.0641, F.S. *Sen. Jeff Brandes (R-St. Petersburg) ???*

**HB 901 Exemption/Identifying Information –Property Tax Exemption for Disabled Persons**: Creates a public record exemption for medical information and personal identifying information of applicants and recipients of a property tax exemption for totally and permanently disabled persons held by a property appraiser or tax collector, and the Department of Revenue, Auditor General, and the Office of Program Policy Analysis and Government Accountability. Amends s. 119.071(5), F.S. Companion to SB 914. *Rep. Ray Pilon (R-Sarasota)*

→ **SB 914 Exemption/Identifying Information – Property Tax Exemption for Disabled Persons**: Companion to HB 901. *Sen. Nancy Detert (R-Venice)*

**SB 1218 Crash Reports/Personal Telephone Numbers**: Amends s. 316.068, F.S., to stipulate that car crash report forms cannot include the personal telephone numbers of those involved in car crashes. Amends s. 316.068, F.S. *Sen. Rene Garcia (R-Hialeah) ???*

**HB 1153 Exemption/Identifying Information – Florida Wildlife Conservation Commission Licensure:**

Creates a public record exemption for “personal information” held by the Florida Wildlife Conservation Commission in connection with recreational fishing, hunting, or use licenses and permits, and hunter and boating safety certification. Defines “personal information” as an individual’s name, photograph, social security number, driver license number, date of birth, address, telephone number, email address, and medical or disability information. Allows access to an individual’s zip code. Creates s. 379.107, F.S. Companion to SB 1364. *Rep. Tom Goodson (R-Titusville) ???*

→**SB 1364 Exemption/Identifying Information – Florida Wildlife Conservation Commission Licensure:** Companion to HB 1153. *Sen. Alan Hays (R-Umatilla) ???*

**SB 7004 OGSR/Identifying Information – Emergency Notification System:** Reenacts, without modification, the public record exemption for personal information provided to an agency for the purpose of receiving emergency notifications. Reenacts s. 119.071(5)(j), F.S. Companion to HB 7033. *S. Community Affairs Committee*

- S. Community Affairs Committee: Reported favorably as a committee bill. Now in S. Governmental Oversight and Accountability Committee which is scheduled to consider the bill on January 11, 2016.

→**HB 7033/Personal Information – Emergency Notification System:** Companion to SB 7004. *H. Government Operations Subcommittee*

**SB 7020 OGSR/Identifying Information – Florida Health Choices Program:** Reenacts, without modification, public record exemptions for information identifying participants and proprietary confidential business information held by the Florida Health Choices Program. Reenacts s. 408.910(4), F.S. *S. Health Policy Committee*

- S. Health Policy Committee: Reported favorably as a committee bill. Now in S. Governmental Oversight and Accountability Committee which is scheduled to consider the bill on January 11, 2016.

**SB 7024 OGSR/Identifying Information – Florida Center for Brain Tumor Research:** Reenacts, without modification, the public record exemption for personal identifying information of donors to the central repository for brain tumor biopsies or the brain tumor registry. Reenacts s. 381.8531, F.S. Companion to HB 7041. *S. Health Policy Committee*

- S. Health Policy Committee: Reported favorably as a committee substitute. Now in S. Governmental Oversight and Accountability Committee which is scheduled to consider the bill on January 11, 2016.

→**HB 7041 OGSR/Identifying Information – Florida Center for Brain Tumor Research:** Companion to SB 7024. *H. Government Operations Subcommittee.*

## PRIVACY

**SB 1146 Student Data Privacy:** Creates the Student Online Personal Information Protection Act, prohibiting operators of websites used primarily by K-12 schools from displaying targeted advertising,

creating profiles, or selling information about K-12 students. Creates s. 1002.223, F.S. *Sen. Bill Montford (D-Tallahassee) WATCH*

## PROCUREMENT

**SB 7030 OGSR/Competitive Solicitations:** Reenacts, without modification, the limited public record exemption for sealed bids or proposals received by an agency pursuant to a competitive solicitation. Also reenacts, without change, the meetings exemption for portions of meetings at which negotiations with vendors are conducted pursuant to a competitive solicitation and certain portions of team Reenacts ss. 119.071(1)(b) and 286.0113(2), F.S. *S. Governmental Operations and Accountability Committee*

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

## PROPRIETARY INFORMATION

**HB 55 Exemption/Trade Secret - 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 55 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 57, reenacts all trade secret exemptions under ch. 119, F.S., to incorporate the expanded definition. Amends s. 812.081, F.S. Companion to SB 180. *Rep. Ray Pilon (R-Sarasota) ☹*

★ To see FAF’s letter on HB 55, click here: <http://bit.ly/1RcjL3W>

- H. Criminal Justice Subcommittee: One technical amendment is adopted; reported favorably as a committee substitute.
- H. Justice Appropriates Subcommittee: Reported favorably.
- H. Government Operations Subcommittee: Reported favorably. Now in H. Judiciary Committee.

➔ **SB 180 Exemption/Trade Secret - Financial Information:** Companion to HB 55. *Sen. Garrett Richter (R-Naples) ☹*

★ To see FAF’s letter on SB 180, click here: <http://bit.ly/1kPLedl>

- S. Commerce and Tourism Committee: One technical amendment is adopted; reported favorably as a committee substitute.
- S. Governmental Oversight and Accountability Committee: Reported favorably.
- S. Rules Committee: Reported favorably. Now on S. Calendar.

**BILLS TO WATCH – HB 55 and SB 180:** These bills expand the definition of the term “trade secret” to include financial information which would make all financial information tagged as a trade secret exempt from public disclosure. This seems a relatively minor change, but the impact on our ability to oversee our government and hold it accountable could be huge. For example, there’s been a lot of controversy recently about Visit Florida’s contract with rapper Pitbull – how much is Pitbull being paid to promote the state? Visit Florida redacted the amount we’re paying Pitbull, claiming such information is proprietary. That means that we have no idea how much Pitbull is being paid – these are our tax dollars, remember. We think Visit Florida’s position is tenuous under current law, but if this legislation becomes law, then financial information such as the amount paid to Pitbull would clearly be exempt. UPDATE: The First Amendment Foundation reached out to the sponsors of these bills and Rep. Pilon has expressed a willingness to work on an amendment that would define the phrase “financial information.”

**HB 381 Exemption/State Boxing Commission:** Currently, s. 548.062, F.S., provides an exemption for proprietary confidential business information contained in a written report that promoters are required to file with the State Boxing Commission after a boxing match. HB 381 expands the public record exemption to protect all proprietary confidential business information provided by a promoter to the Commission. Amends s. 548.062, F.S. Companion to SB 578. *Rep. Jake Raburn (R-Valrico) ???*

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

→ **SB 578 Exemption/State Boxing Commission:** Companion to HB 381. *Sen. Travis Hutson (R-Palm Coast) ???*

**HB 1099 Exemption/Trade Secrets – Annual Recycling Reports:** Creates a public record exemption for trade secret information contained in annual recycling reports. Amends s. 403.7032, F.S. Companion to SB 1354. *Rep. Amanda Murphy (D-New Port Richey)*

→ **SB 1354 Exemption/Trade Secrets – Annual Recycling Reports:** Companion to HB 1099. *Sen. Chris Smith (D-Fort Lauderdale)*

## PUBLIC EMPLOYEES

**SB 320 Exemption/Home Addresses – Emergency Medical Technicians and Paramedics:** Creates a public record exemption for the home addresses, telephone numbers, dates of birth, and photographs of current or former emergency medical technicians (EMTs) and paramedics certified under ch. 401, F.S. 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. Stipulates that the exemption applies only if the EMTs and paramedics have taken reasonable steps to protect such information from being accessible through other means available to the public. Creates s. 119.071(4)(o), F.S. Companion to HB 391. *Sen. Garrett Richter (R-Naples) ☹*

★ To see FAF's letter on SB 320, click here: <http://bit.ly/1JZVSos>

- S. Health Policy Committee: Reported favorably.
- S. Governmental Oversight and Accountability Committee: Reported favorably.
- S. Rules Committee: Reported favorably. Now on S. Calendar.

→ **HB 391 Exemption/Home Addresses – Emergency Medical Technicians and Paramedics:** Companion to SB 320. *Rep. Kathleen Passidomo (R-Naples) ☹*

★ To see FAF's letter on HB 391, click here: <http://bit.ly/1JwWas9>

**HB 463 Exemption/Home Addresses – DFS Non-Sworn Investigators:** Creates a public record exemption for the home addresses, telephone numbers, dates of birth, and photographs of current or former Department of Financial Services (DFS) non-sworn investigative personnel whose duties include investigation of fraud, theft, workers' compensation coverage, criminal activities, and state regulatory requirement violations. Also exempts the names, home addresses, telephone numbers, social security numbers, photographs, 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. Creates s. 119.071(4)(d)2.a.IV, F.S. Companion to SB 592. *Rep. Bobby DuBose (D-Fort Lauderdale) ☹*

★ To see FAF's letter on HB 463, click here: <http://bit.ly/1ZQbvrl>

- **H. Insurance and Banking Subcommittee:** Two amendments, one to the required statement of public necessity and the second deleting the list of duties, are adopted; reported favorably as a committee substitute by a vote of 11/1 (Rep. John Tobia voting no). Now in H. Government Operations Subcommittee.

➔ **SB 592 Exemption/Home Addresses – DFS Non-Sworn Investigators:** Companion to HB 463.

*Sen. Travis Hutson (R-Palm Coast)*

★ To see FAF's letter on SB 592, click here: <http://bit.ly/1Z8uifG>

**HB 587 Exemption/Home Addresses – Inspectors General:** Creates a public record exemption for the home addresses, telephone numbers, dates of birth, and photographs of current or former personnel employed in an agency's office of inspector general and those whose duties include conducting internal audits. Also exempts the names, home addresses, telephone numbers, social security numbers, photographs, 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. Creates s.

119.071(4)(d)2.o., F.S. Companion to SB 752. *Rep. Bobby Powell (D-West Palm Beach) ???*

★ To see FAF's letter on HB 587, click here: <http://bit.ly/1VN7rpP>

➔ **SB 752 Exemption/Home Addresses – Inspectors General:** Companion to HB 587. *Sen. Joseph*

*Abruzzo (D-Wellington) ???*

★ To see FAF's letter on SB 752, click here: <http://bit.ly/1OdsVak>

**SB 1186 Exemption/Home Addresses – Former Firefighters:** Currently, there is a public record exemption for home addresses, telephone numbers, dates of birth, and photographs of certified firefighters, and for the names, home addresses, telephone numbers, social security numbers, photographs, 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. SB 1186 extends the exemption to include former firefighters, which is consistent with other home address exemptions. Creates s. 119.071(4)2.b(II), F.S. *Sen. Dwight Bullard (D-Cutler Bay)*

## PUBLIC RECORDS

**SB 628 Fees for Public Records/Agency for Persons with Disabilities:** Adds the Agency for Persons with Disabilities to the list of agencies and vendors that pay a reduced per record fee for criminal history information. Amends s. 943.053, F.S. Companion to HB 1089. *Sen. Garrett Richter (R-Naples) WATCH*

➔ **HB 1089 Fees for Public Records/Agency for Persons with Disabilities:** Companion to SB 628.

*Rep. Patrick Joseph Rooney (R-Palm Beach Gardens) WATCH*

**SB 724 Public Records/Custodian Liability:** Amends the public records law to stipulate that a court may hold a custodian of public record personally liable for reasonable attorney fees and costs if the agency or the custodian (1) unlawfully refused to permit a public record to be inspected or copied; and (2) asserted a claim or defense during a civil action to compel compliance that the agency or custodian knew was not supported by the facts. Amends s. 119.12, F.S. Companion to HB 857. *Sen. Arthenia Joyner (R-Tampa) 😊*

→ **HB 857 Public Records/Custodian Liability:** Companion to SB 724. *Rep. Mark Pafford (D-West Palm Beach)* 😊

**BILLS TO WATCH – SB 724 and HB 857:** If this good legislation becomes law, then government officials who violate the public records law will be personally liable for attorney fees and court costs awarded by the court. As it stands now, those fees and costs are generally paid with tax dollars. That means that we pay because a government official violated *our* right of access.

**HB 1021 Public Record/Reasonable Attorney Fees and Costs:** Current law requires a court to award reasonable attorney fees and costs when the court finds that an agency violated the public records law. HB 1021 amends the attorney fee provision to say the court *may* award such fees and costs, and requires plaintiffs to provide notice of a public record request to an agency at least five days before filing suit to force compliance with the public records law. Amends s. 119.12, F.S. Companion to SB 1220. *Rep. Greg Steube (R-Sarasota)* 😞

★ To see FAF's letter on HB 1021, click here: <http://bit.ly/1RckhPi>

→ **SB 1220 Public Records/Reasonable Attorney Fees and Costs:** Companion to HB 1021. *Sen. Rene Garcia (R-Hialeah)* 😞

★ To see FAF's letter on SB 1220, click here: <http://bit.ly/1MW1MXK>

**BILLS TO WATCH – HB 1021 and SB 1220:** It's really hard to overstate the enormous negative impact this legislation will have on our right of access to the records of our government. Chapter 119 doesn't contain a mechanism under which we can enforce the law other than filing suit in civil court, and the only real leverage to force compliance is the attorney fee provision. If this legislation is approved and the award of fees and costs is permissive rather than mandatory, we lose that leverage and any meaningful remedy. This is, without any doubt, the most regressive legislation we've seen in the past 25 years.

## SECURITY

**SB 624 Exemption/State Agency Cyber Security Programs:** Creates a public record exemption for information held by a state agency relating to the detection, investigation, or response to any suspected or confirmed security breaches which, if disclosed, could facilitate unauthorized access to or modification, disclosure, or destruction of data or information technology resources. Also exempts the results of external audits and evaluations of a state agency's cyber security programs. Amends s. 282.318(4), F.S. Companion to HB 1037. *Sen. Alan Hays (R-Umatilla)*

- S. Governmental Oversight and Accountability Committee: A strike-all amendment narrowing the exemption is adopted; reported favorably as a committee substitute. As amended, CS/SB 624 creates a public record exemption for records held by a state agency which identify detection, investigation, or response practices for suspected or confirmed information technology security incidents, including breaches. The exemption applies if disclosure of such records would facilitate unauthorized access to or modification, disclosure, or destruction of data, information, or information technology resources. Also creates an exemption for portions of risk assessments, evaluations, external audits, and other reports of a state agency's cyber security programs. Now in S. Rules Committee.

→ **HB 1037 Exemption/State Agency Cyber Security Programs:** Creates a public record exemption for risk assessments relating to a state agency's cyber security programs. Amends s. 282.318(4), F.S. Companion to SB 624. *Rep. Frank Artiles (R-Miami) ???*

**SB 776 Exemption/Utility Agency Information Technology Security:** Amends s. 119.0713, F.S., to create a public record exemption for information relating to the security of a utility agency's technologies, processes, and practices designed to protect networks, computers, programs, and data from attack, damage, or unauthorized access which, if disclosed, could be used to alter, disclose, or destroy data or information technology resources. Also exempts security information whether physical or virtual, relating to the utility's existing or proposed information technology systems or industrial control systems which, if disclosed, could affect security, economic security, or public health or safety. Finally, creates an exemption for information that identifies security firms used by the utility to secure and store data or provide information technology services. Amends s. 119.0713, F.S. Companion to HB 1025. *Sen. Rob Bradley (R-Orange Park) ???*

★ To see FAF's letter on SB 776, click here: <http://bit.ly/107fQ4G>

→ **HB 1025 Exemption/Utility Agency Information Technology Security:** Companion to SB 776. *Rep. Bruce Antone (D-Orlando) ???*

★ To see FAF's letter on HB 1025, click here: <http://bit.ly/1Rcksu1>

**HB 869 Exemption/Security Camera Recordings:** Expands the public record exemption for security systems plans under s. 119.071(3), F.S., to also exempt video and audio recordings from a security system camera. Amends s. 119.071(3), F.S. Companion to SB 1004. *Rep. Shawn Harrison (R-Tampa) ☹*

★ To see FAF's letter on HB 869, click here: <http://bit.ly/1kPN2mz>

→ **SB 1004 Exemption/Security Camera Recordings:** Companion to HB 869. *Sen. Alan Hays (R-Umatilla) ☹*

★ To see FAF's letter on SB 1004, click here: <http://bit.ly/1OdtEs8>

**BILLS TO WATCH – HB 869 and SB 1004:** The required statement of public necessity for this legislation asserts that the exemption “provides for the protection of an individual’s privacy of actions or words.” What if that individual is a bus driver and the “actions” depicted on the security video show the driver texting while driving or physically assaulting a passenger? There are many, many examples of the importance of access to security videos and the justification for this broad exemption is very weak. Again, it comes down to our ability to oversee our government – and government officials and employees – and hold them accountable for their actions.

## SOCIAL MEDIA

**SB 186 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. Companion to HB 635. *Sen. Jeff Clemens (D-Lake Worth) WATCH*

- S. Commerce and Tourism Committee: An amendment to the bill's definitions section is adopted; reported favorably as a committee substitute by a vote of 5/1, with Sen. Garrett Richter voting no. Now in S. Judiciary Committee.

→ **HB 635 Social Media Privacy:** Companion to SB 186. *Rep. Dwight Dudley (D-St. Petersburg)* WATCH

## TRANSPARENCY

**HB 1175 Health Care Transparency:** In pertinent part, requires: (1) hospitals and insurers to make information available that will allow consumers to make health care decisions based on cost and quality; (2) the Agency for Health Care Administration (AHCA) to provide public access to an internet-based health information platform; and (3) health insurers and HMOs to make available information to estimate certain health care service costs and charges on their websites. Amends s. 395.301, F.S. *Rep. Chris Spowls (R-Clearwater)* WATCH

## VOTER INFORMATION

**HB 647 Exemption/Voter and Voter Registration Information:** Amends and expands the public record exemption in s. 97.0585, F.S., for information held by an agency and obtained for the purpose of voter registration to include the residential address, date of birth, telephone number and email address of a voter registration applicant or a voter. Also exempts all information relating to preregistered voter registration applicants who are 16 or 17 years old. Allows access to the exempt information by a canvassing board, an election officials, a political party, candidates, and registered political parties. Amends s. 97.0585, F.S. Companion to SB 702. *Rep. Tom Goodson (R-Titusville)* ???

→ **SB 702 Exemption/Voter and Voter Registration Information:** Companion to HB 647. *Sen. Thad Altman (R-Cape Canaveral)* ???

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*If you'd like additional information about any of the bills included in this report or to know the Foundation's position on a specific bill, please call 800/337-3518. Check our website, [www.floridafaf.org](http://www.floridafaf.org), for current legixcvb vslative reports, as well as archived reports dating back to 1995.*