



LEGISLATIVE REPORT

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- Current action
- CS** Committee Substitute
- P** Passed both Chambers
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For Period Ending January 15

CRIMINAL JUSTICE

CS/HB 147 Expunction/Criminal History Records – Minors: Amends s. 943.0595(1)(b), F.S., to allow those 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. Amends s. 943.0515(1)(b), F.S. Companion to SB 386. *Rep. Chris Latvala (R-Clearwater) WATCH*

- H. Judiciary Committee: Two minor amendments are adopted; reported favorably as a committee substitute. Now on H. Calendar.

CS/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. Government Operations Subcommittee: Reported favorably. 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. Fiscal Policy Committee: A minor amendment is adopted; reported favorably as a committee substitute. Now on S. Calendar.

SB 1682 Sealing Criminal History Records – DUI: Allows a person with a single driving under the influence (DUI) conviction to seek a court order to seal a criminal history record related to a subsequent offense. Amends s. 943.059, F.S. *Sen. Maria Lorts Sachs (D-Delray Beach)*

HB 7057 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. 119.071(j), F.S. Companion to SB 1366. *H. Criminal Justice Subcommittee*

- H. Government Operations Committee: A strike-all amendment making minor changes is adopted; reported favorably as a committee substitute. Now in H. Judiciary Committee.

ETHICS AND ACCOUNTABILITY

SB 686 Government Accountability: Creates the Florida Anti-Corruption Act of 2016 and, in pertinent part, expands the application of the Code of Ethics for Public Officers and Employees to special districts, Enterprise Florida, and to corporations created or housed within the Department of Economic Opportunity. Also requires local governments to keep their final budgets and budget amendments on their website for two years after the budgets are approved. Amends s. 286.0114, F.S., which requires boards and commissions to provide a reasonable opportunity to be heard at public meetings, to stipulate that boards and commissions can't require a member of the public to provide an advance written copy of his or her testimony or comments as a precondition of being allowed to speak. Amends numerous statutes. Companion to HB 593. *Sen. Don Gaetz (R-Destin)* 😊

- S. Ethics and Elections Committee: A lengthy strike-all amendment, as amended, is adopted; reported favorably as a committee substitute by a vote of 7/3, with Sen. Braynon, Smith, and Legg voting no. As amended, CS/SB 686 creates the Florida Anti-Corruption Act of 2016 and, in pertinent part, expands the application of the Code of Ethics for Public Officers and Employees to various entities and agency employees not formerly covered by the Code; requires lobbyists to report more frequently on who is paying for their services; and adds contractors to the list of officials covered by anti-bribery laws. Also requires local governments to keep their final budgets and budget amendments on their website for two years after the budgets are approved. Amends s. 286.0114, F.S., which requires boards and commissions to provide a reasonable opportunity to be heard at public meetings, to stipulate that boards and commissions can't require a member of the public to provide an advance written copy of his or her testimony or comments as a precondition of being allowed to speak. Now in S. Governmental Oversight and Accountability Committee.

BILLS TO WATCH – HB 593 and CS/SB 686: According to Senator Gaetz, these bills were drafted to incorporate recommendations from the Commission on Ethics and a statewide grand jury dealing with public corruption. Interestingly, another Gaetz bill, SB 582, relating to public corruption was killed in the Senate Governmental Oversight and Accountability Committee earlier in the week and rather than let his good bill die an ignoble death, Senator Gaetz amended SB 686 to include the anti-corruption language from SB 582. This is a good government bill worthy of our attention.

EXAMINATIONS AND INVESTIGATIONS

HB 643 Exemption/Investigations – Department of Agriculture and Consumer Services: Creates a public record exemption for information received or developed by the Department of Agriculture and Consumer

Services (DOACS) 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 DOACS received from a state or federal regulatory, administrative, or criminal justice agency that 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)*

- H. Business and Professions Subcommittee: Reported favorably by a vote of 12/1, with Rep. Geller voting no. Now in H. Government Operations Subcommittee.

HB 1401 Exemption/Public Employee's Whistleblower Act Information: HB 1399 amends the Whistleblower Act to include gross misconduct within the list of actions covered under the act, meaning that an agency or contractor is prohibited from taking action against an employee who discloses such misconduct. HB 1401 amends the public record exemption for employees protected under the Whistleblower Act to include those who report gross misconduct. Amends s. 112.3188, F.S. Companion to SB 1650. *Rep. Dan Raulerson (R-Plant City)*

→ **SB 1650 Exemption/Public Employee's Whistleblower Act Information:** Companion to HB 1401. *Sen. Tom Lee (R-Brandon)*

SB 7002 OGRS/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. Governmental Oversight and Accountability Committee: Reported favorably. Now in S. Rules Committee.

SB 7032 OGRS/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. Governmental Oversight and Accountability Committee: Reported favorably. Now in S. Rules Committee.

HB 7035 OGRS/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 SB 7032. *H. Government Operations Subcommittee*

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

FINANCIAL INFORMATION

CS/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. Stipulates that the exemption does not apply to records of applicants who are in default of a previously issued loan. 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. Governmental Oversight and Accountability Committee: A strike-all amendment making minor changes to the bill is adopted; reported favorably as a committee substitute. Now in S. Rules Committee.

HB 267 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 SB 196.

Rep. Mike LaRosa (R- Saint Cloud) ☹️

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

- H. Government Operations Subcommittee: A strike-all amendment is adopted; reported favorably as a committee substitute by a vote of 9/1, with Rep. Rader voting no. As amended, CS/HB 267 creates a public record exemption for financial information provided by a private entity to the Department of Transportation as part of the application process for loans or credit enhancements from the state-funded infrastructure bank. Stipulates that the exemption does not apply to records of applicants who are in default of a previously issued loan. Now in H. Economic Affairs Committee.

SB 1628 Exemption/Office of Financial Regulation - Responsible Small Dollar Loans Pilot Program: SB 1696 creates the Increased Access to Responsible Small Dollar Loans Pilot Program to allow more people to obtain consumer finance installment loans of \$300 - \$3,000. SB 1628 creates a public record exemption for the personal identifying information of a program loan applicant or borrower. Also exempts "sensitive business information" of a program licensee provided to the Office of Financial Regulation (OFR) for its use in preparing reports related to the program. Creates s. 516.48, F.S. *Sen. Anitere Flores (R-Miami)* ???

LICENSED PROFESSIONALS

HB 1063 Exemption/Nursing Licensure Compact: HB 1061 enacts the Nurse Licensure Compact, a multi-state agreement that establishes a national recognition system for the licensure of nurses, allowing nurses who receive multi-state licenses in another state 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)* 🚫

★ To see FAF's letter on 1063, click here: <http://bit.ly/1J5y4ET>

- H. Select Committee on Affordable Health Care Access: Reported favorably. Now in H. Government Operations Subcommittee.

PERSONAL INFORMATION

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, including the person's name, address, telephone number, email address, or other electronic communication address. Reenacts s. 119.071(5)(j), F.S. Companion to HB 7033. *S. Community Affairs Committee*

- S. Governmental Oversight and Accountability Committee: An amendment striking the list of information that is exempt is adopted; reported favorably as a committee substitute. As amended, CS/SB 7004 provides a public record exemption for personal information provided to an agency for the purpose of receiving emergency notifications. Now in S. Rules Committee.

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

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

HB 7033 OGSR/Personal 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 SB 7004. *H. Government Operations Subcommittee*

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

SB 7048 OGSR/Client Records – Regional Autism Centers: Reenacts, without modification, the public record exemption for records that relate to a client of a regional autism center who receive center services

or participate in center activities. Also reenacts the exemption for the identity of donors to such centers who wish to remain anonymous. Amends s. 1004.55, F.S. Companion to HB 7069. *S. Children, Families and Elder Affairs Committee*

- S. Children, Families and Elder Affairs Committee: A minor amendment is adopted and the bill, as amended, is reported favorably. Now in S. Governmental Oversight and Accountability.

→ **HB 7069 OGSR/Client Records – Regional Autism Centers**: Companion to SB 7048. *H. Government Operations Subcommittee*

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. Companion to HB 7067. *S. Governmental Operations and Accountability Committee*

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

→ **HB 7067 OGSR/Competitive Solicitations**: Companion to SB 7030. *H. Government Operations Subcommittee*

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.” CS/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. Judiciary Committee: Reported favorably. Now on H. Calendar.

CS/SB 180 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.” CS/SB 180 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 182, reenacts all trade secret exemptions under ch. 119, F.S., to incorporate the expanded definition. Amends s. 812.081, F.S. Companion to HB 55. *Sen. Garrett Richter (R-Naples)* ☹

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

- Senate Special Order Calendar: Rolled to third reading and final passage.

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. The legislation is moving very quickly.

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)* ☹

★ To see FAF's letter on HB 381, click here: <http://bit.ly/1RAoHA2>

- H. Government Operations Subcommittee; Reported favorably by a vote of 10/1, with Rep. Rader voting no. Now in H. Regulatory Affairs Committee.

PUBLIC EMPLOYEES

HB 391 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 SB 320. *Rep. Kathleen Passidomo (R-Naples)* ☹

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

- H. Health Quality Subcommittee: Reported favorably. Now in H. Government Operations Subcommittee.

CS/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) unsworn 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, 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. Government Operations Subcommittee: Two minor amendments adopted. Now in H. Regulatory Affairs Committee.

PUBLIC MEETINGS

SB 1482 Public Meetings – Agendas: Amends the open meetings law to require that a board or commission publish on its website an agenda of all meetings at least 48 hours before the meeting,

stipulating that an emergency or special meeting is not subject to the 48-hour rule. Agendas for such meetings must be published as “expeditiously as possible.” Amends s. 286.011, F.S. *Sen. Eleanor Sobel (D-Hollywood)* 😊

★ To see FAF’s letter on SB 1482, click here: <http://bit.ly/1PdY6lp>

SECURITY

CS/SB 624 Exemption/State Agency Cyber Security Programs: 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. Amends s. 282.318(4), F.S. Companion to HB 1037. *Sen. Alan Hays (R-Umatilla)*

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

SB 1588 Exemption/State University and College Cyber Security Programs: Creates a public record exemption for the following data and information collected from technology systems owned, contracted, or maintained by a state university of college: (1) risk assessment and risk mitigation information used to determine security threats; (2) risk remediation plans for data, information, and information technology resources; (3) internal policies and procedures used to ensure the security of data and information technology resources which, if disclosed, could facilitate unauthorized access, modification, disclosure, or destruction of data, information, or information technology resources; (4) results of periodic internal or external audits and evaluations of information technology security programs; (5) information relating to the detection, investigation, or response to a suspected or confirmed security incident, including breaches, which, if disclosed could facilitate unauthorized access, modification, disclosure, or destruction of data or information technology resources; (6) records, information, photographs, audio and visual presentations, schematic diagrams, source code, proprietary information, trade secrets, business transactions, surveys, recommendations, or consultations relating directly to or revealing information technology security programs; and (7) system authentication credentials, including passwords, security codes, access codes, biometric information, personal identification numbers, or any other type of information required to access data and information technology resources. Also creates a meeting exemption for those portions of meetings during which exempt information is discussed, requiring that such meetings be recorded and transcribed. Stipulates that the meeting transcripts are exempt from disclosure and can be released only upon court order. Creates s. 1004.055, F.S. *Sen. Alan Hays (R- Umatilla)* ???

★ To see FAF’s letter on SB 1588, click here: <http://bit.ly/1SkJoil>



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