



LEGISLATIVE REPORT

-
- Current action
- CS** Committee Substitute
- P** Passed both Chambers
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For Period Ending February 12

COURT RECORDS

CS/SB 1278 Exemption/Petitions for Incapacity: Creates a public record exemption for all pleadings, documents, and the images of such records filed with a court relating to Florida's Mental Health Act. Allows disclosure under certain specified conditions. Amends ss. 394.4615, F.S. Companion to HB 1027 and SB 1280. *Sen. Jeremy Ring (R-Margate) ???*

★ To see FAF's letter on SB 1278, click here: <http://bit.ly/1nyDUER>

- S. Rules Committee: Reported favorably by a vote of 10/1, with Sen. Joyner voting no. Now on S. Calendar.

SB 1436 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 HB 679. *Sen. Oscar Braynon (D-Miami Gardens) ???*

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

CRIMINAL JUSTICE

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. Judiciary Committee: An amendment allowing the custodian of non-exempt booking photographs of a child to choose not to electronically post such photographs is adopted; reported favorably as a committee substitute. Now on H. Calendar.

SB 700 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 HB 293. *Sen. Darren Soto (D-Kissimmee)*

- S. Appropriations Subcommittee on Criminal and Civil Justice: An amendment allowing the custodian of non-exempt booking photographs of a child to choose not to electronically post such photographs is adopted; reported favorably as a committee substitute. Now in S. Fiscal Policy Committee.

ETHICS AND ACCOUNTABILITY

CS/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 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. Amends numerous statutes. Companion to HB 593. *Sen. Don Gaetz (R-Destin) ☺*

- S. Governmental Oversight and Accountability Committee: Amended to allow the Ethics Commission to render advisory opinions to any public officer, candidate for public office, or public employee regarding application of the code of ethics; reported favorably as a committee substitute. Now in S. Community Affairs Committee.

EXAMINATIONS AND INVESTIGATIONS

CS/SB 754 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 HB 643. *Sen. Garrett Richter (R-Naples)*

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

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>

- Senate: Passed the Senate by a vote of 31/7. Now in House Messages. To see the Senate vote, click here: <http://bit.ly/1KRLKE2>

INSURANCE

SB 1416 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 HB 1165. *Sen. David Simmons (R-Altamonte Springs)* ???

- S. Governmental Oversight and Accountability Committee: An amendment to the required statement of public necessity is adopted; reported favorably as a committee substitute. Now in S. Rules Committee.

PERSONAL INFORMATION

SB 914 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 HB 901. *Sen. Nancy Detert (R-Venice)* ☹

★ To see FAF's letter on SB 914, click here: <http://bit.ly/1Pe6Ms0>

- S. Rules Committee: Reported favorably by a vote of 11/1, with Sen. Joyner voting no. Now on S. Calendar.

CS/SB 1364 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 HB 1153. *Sen. Alan Hays (R-Umatilla)* ☹

★ To see FAF's letter on SB 1364, click here: <http://bit.ly/1NBFVVP>

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

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 receives center

services or participates 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. Rules Committee: Reported favorably. Now on S. Calendar.

PROPRIETARY INFORMATION

P CS/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>

- Senate: Substituted for CS/SB 578; passed the Senate by a vote of 35/5. **PASSED THE LEGISLATURE**

To see the vote on CS/HB 381, click here: <http://bit.ly/1XtevZH>

CS/SB 578 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 HB 381. *Sen. Travis Hutson (R-Palm Coast)* ☹

★ To see FAF's letter on CS/SB 578, click here: <http://bit.ly/1Q9ygm3>

- Senate: Tabled; HB 381 substituted. See HB 381.

PUBLIC EMPLOYEES

CS/SB 592 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 HB 463. *Sen. Travis Hutson (R-Palm Coast)* ☹

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

- Senate: Passed the Senate by a vote of 31/1, with Sen. Joyner voting no. Now in House Messages.

SB 752 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 HB 587. *Sen. Joseph Abruzzo*

- S. Rules Committee: Reported favorably by a vote of 11/1, with Sen. Joyner voting no. Now on S. Calendar.

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*

- Senate: Passed unanimously. Now in House Messages.

HB 1089 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 SB 628. *Rep. Patrick Joseph Rooney (R-Palm Beach Gardens) WATCH*

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

CS/SB 1220 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. CS/SB 1220 amends the attorney fee provision to say the court *may* award reasonable attorney fees and costs when the court finds that an agency violated the public records law *and* the requestor has provided written notice of the public record request to the custodian of records at least five business days before filing the lawsuit. Also prohibits a court from awarding reasonable fees and costs if the court determines that the request to inspect or copy public records was made in bad faith or was frivolous. Amends s. 119.12, F.S. Companion to HB 1021. *Sen. Rene Garcia (R-Hialeah) ☹*

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

- S. Judiciary Committee: A strike-all amendment is adopted. As amended, CS/SB 1220 amends the attorney fee provision to say a court *shall* award reasonable attorney fees and costs when the court determines that the agency violated the law *and* the requestor provide written notice to the custodian of public records at least five business days before filing the lawsuit, provided that the agency posted information on how to contact the custodian. Stipulates that a court may not award attorney fees if the court determines that (1) the lawsuit or the public record request was frivolous, malicious, was intended to harass the agency, or was brought or made for the primary purpose of causing a violation of the law; or (2) any alleged delay or error was a technical delay constituting harmless error. Reported favorably by a vote of 7/3, with Sens. Joyner, Soto, and Ring voting no. Now in S. Fiscal Policy Committee.

SECURITY

CS/HB 869 Exemption/Security Camera Recordings: Amends s. 119.071(3)(a), F.S., providing an exemption for security system plans, to allow access to the protected plans upon court order and a showing of good cause. Amends s. 119.071(3), F.S. Companion to SB 1004. *Rep. Shawn Harrison (R-Tampa)*

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

CS/SB 1004 Exemption/Security Camera Recordings: Amends s. 119.071(3)(a), F.S., providing an exemption for security system plans, to allow access to the protected plans upon court order and a showing of good cause. Amends s. 119.071(3), F.S. Companion to HB 869. *Sen. Alan Hays (R-Umatilla)*

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

CS/HB 1025 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. Amends s. 119.0713, F.S. Companion to SB 776. *Rep. Bruce Antone (D-Orlando)*

- H. State Affairs Committee: An amendment making minor technical changes is adopted; reported favorably as a committee substitute. Now in H. Regulatory Affairs Committee.

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