



LEGISLATIVE REPORT

-
- Current action
- CS** Committee Substitute
- P** Passed both Chambers
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For Period Ending February 26

COURT RECORDS

SB 762 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 HB 741. *Sen. Joseph Abruzzo (D-Wellington) ???*

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

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*

- House Special Order Calendar: Tabled; CS/SB 386 substituted. See CS/SB 386.

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. Allows the custodian of non-exempt booking photographs of a child to choose not to electronically post such photographs. 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)*

- House: A minor amendment is adopted on special order and the bill, as amended, is rolled to third reading and passed the House by a vote of 114/2, with Reps. Gaetz and Tobia voting no. Now in S. Messages.

P CS/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

- House: Substituted for CS/HB 147. Passed the House by a vote of 113/2, with Reps. Gaetz and Tobia voting no. **PASSED THE LEGISLATURE**

SB 418 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 HB 93. *Sen. Chris Smith (D-Fort Lauderdale)* WATCH

- S. Fiscal Policy Committee: Reported favorably. Now on S. Calendar.

SB 7022 OGSR/Photographs and Videos Depicting the Killing of a Law Enforcement Officer: Reenacts and significantly narrows the current 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.” As amended, SB 7022 provides a public record exemption for photographs, videos, or audio recordings depicting the death of a law enforcement officer who was killed while acting in accordance with his or her official duties. Reenacts and amends s. 406.136, F.S. *S. Criminal Justice Committee*

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

ECONOMIC DEVELOPMENT

CS/SB 126 Exemption/Unsolicited Proposals: In pertinent part, SB 124 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. SB 126 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 HB 97. *Sen. Greg Evers (R-Pensacola)*

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

EXAMINATIONS AND INVESTIGATIONS

P 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*

- House: Substituted for HB 7037 and rolled to third reading. Passed the House by a vote of 111/3, with Reps. Gaetz, Rehwinkel Vasilinda, and Tobia voting no. **PASSED THE LEGISLATURE**

HB 7037 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 SB 7002. *H. Government Operations Subcommittee*

- House Special Order Calendar: Tabled; SB 7002 substituted. See SB 7002.

FINANCIAL INFORMATION

P 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>

- House: Substituted for CS/HB 267, rolled to third reading and passed by the House by a vote of 88/19. To see how House members voted, click here: <http://bit.ly/24rzNM5> **PASSED THE LEGISLATURE**

CS/HB 267 Exemption/State Infrastructure Bank: 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. 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>

- House Special Order Calendar: Tabled; CS/SB 196 substituted. See CS/SB 196.

INSURANCE

CS/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)* ???

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

LICENSED PROFESSIONALS

CS/SB 1306 Exemption/Nursing Licensure Compact: SB 1316 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. CS/SB 1306 creates a public record exemption for a nurse's 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. Specifically allows access to the nurse's name, licensure status, and license number. Also creates an exemption for meetings or portions of meetings of the Interstate Commission of Nurse Licensure Compact Administrators during which matters specifically exempted from disclosure by federal or state law are discussed, and exempts all records generated during the closed meetings. Creates s. 464.0096, F.S. Companion to HB 1063. *Sen. Denise Grimsley (R-Sebring)*

- S. Governmental Oversight and Accountability Committee: Reported favorably. Now in S. Rules Committee and scheduled for consideration on February 29.

PERSONAL INFORMATION

SB 702 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 create a public record exemption for all information concerning preregistered voters registration applicants who are 16 or 17 years of age. Amends s. 97.0585, F.S. Companion to HB 647. *Sen. Thad Altman (R-Cape Canaveral)*

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

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>

- Senate: Passed the Senate by a vote of 36/1, with Sen. Joyner voting no. Now in H. Messages.

P 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*

- House: Substituted for HB 7041 and rolled to third reading. Passed the House unanimously.

PASSED THE LEGISLATURE

HB 7041 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 SB 7024. *H. Government Operations Subcommittee*

- House Special Order Calendar: Tabled; SB 7024 substituted. See SB 7024.

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*

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

PROCUREMENT

P 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*

- House: Substituted for HB 7067 and rolled to third reading. Passed the House by a vote of 113/2, with Reps. Geller and Rehwinkel Vasilinda voting no. **PASSED THE LEGISLATURE**

HB 7067 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 SB 7030. *H. Government Operations Subcommittee*

- House Special Order Calendar: Tabled; SB 7030 substituted. See SB 7030.

PUBLIC EMPLOYEES

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*

- Senate: Passed the Senate by a vote of 36/1, with Sen. Joyner voting no. Now in H. Messages.

PUBLIC RECORDS

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/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 provided written notice to the custodian of public records at least five business days before filing the lawsuit, provided that the agency prominently posted information on how to contact the custodian. States that a court *may not* award attorney fees if the court determines that the public record request was made for the primary purpose of (1) harassing the agency or (2) causing a violation of the public records law. Amends s. 119.12, F.S. Companion to HB 1021. *Sen. Rene Garcia (R-Hialeah)*

- Senate Special Order Calendar: Rolled to third reading for final passage by the Senate on March 2.

SECURITY

CS/SB 776 Exemption/Utility Agency Information Technology Security: Creates 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 information related to the security of existing or proposed information technology systems or industrial control systems which, if disclosed would facilitate unauthorized access to, and alteration and destruction of systems impacting operations. Stipulates that the exemption applies retroactively. Amends s. 119.0713, F.S. Companion to HB 1025. *Sen. Rob Bradley (R-Orange Park)*

- S. Rules Committee: Reported favorably. Now on S. 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)*

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

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