



LEGISLATIVE REPORT

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- Current action
 - CS** Committee Substitute
 - P** Passed both Chambers
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For Period Ending March 4

CRIMINAL JUSTICE

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*

- House Special Order Calendar: Rolled to third reading for passage by the House.

P 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)*

- Senate: Substituted for CS/SB 700 and passed the Senate unanimously. **PASSED THE LEGISLATURE**

CS/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. Stipulates that the custodial agency is not required to post non-exempt arrest or booking photograph of a child on the agency’s website. Also amends s. 943.053(3) relating to the dissemination of criminal history information to conform to the amended s. 985.04. Amends ss. 985.04 and 943.053. Companion to HB 293. *Sen. Darren Soto (D-Kissimmee)*

- Senate Special Order Calendar: Tabled; CS/HB 293 substituted. See CS/HB 293.

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)*

- Senate Special Order Calendar: Rolled to third reading for passage by the Senate.

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)*

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

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) ???*

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

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)* ☹️

- House: A strike-all amendment is adopted and the bill passed the House by a vote of 112/2, with Reps. Geller and VanZant voting no. As amended, CS/HB 1063 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.
- Senate: Substituted for CS/SB 1306 and rolled to third reading for final passage.

UPDATE: The floor amendment on HB 1063 addressed the concerns raised by the First Amendment Foundation and our position on the bill is now neutral.

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. Rules Committee: Reported favorably.
- Senate Special Order Calendar: Tabled; HB 1063 substituted. See HB 1063.

PERSONAL INFORMATION

P 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. Companion to HB 7093. *S. Health Policy Committee*

- House: Substituted for HB 7093. Passed the House unanimously. **PASSED THE LEGISLATURE**

HB 7093 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. Companion to SB 7020. *H. Government Operations Subcommittee*

- House Special Order Calendar: Tabled; SB 7020 substituted. See SB 7020.

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: Passed the Senate unanimously. Now in House Messages.

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)*

- Senate Special Order Calendar: Rolled to third reading for passage by the Senate.

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)*

- House Special Order Calendar: Rolled to third reading for passage by the House.

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) ???*

- H. State Affairs Committee: A strike-all amendment is adopted; reported favorably as a committee substitute. As amended, CS/HB 1037 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 on the House Calendar.

UPDATE: The amendment to HB 1037 adopted by the H. State Affairs Committee addresses concerns raised by FAF and our position on the bill is now neutral.

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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. And check our website, <http://floridafaf.org>, for copies of bill letters to various sponsors.