



## 2017 LEGISLATIVE REVIEW: PRE-SESSION REPORT

The following is a list of the bills we will be tracking throughout the 2017 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 2017 Legislature will be reviewing all exemptions created in 2012. 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 UNIVERSITIES

**HB 351 Exemption/Executive Searches – Universities and Colleges**: Creates a public record exemption for information identifying applicants for president, provost or dean of a state university or college. Also creates an exemption for meetings held for the purpose of identifying or vetting such applicants, stipulating that the exemption does not apply to those meetings held for the purpose of establishing qualifications or determining compensation. Meetings held after a final group of applicants has been selected for the purpose of making a final selection will be open and the names of the final group of applicants will be subject to disclosure no later than 10 days before the meeting at which the finalist will be selected. Creates s. 1004.097, F.S. Companion to SB 478. *Rep. Bob Rommel (R-Naples)* ☹️

★ To see FAF’s letter on HB 351, click here: <http://bit.ly/2lHKwAg>

➔ **SB 478 Exemption/Executive Searches – Universities and Colleges**: Companion to HB 351. *Sen. Kathleen Passidomo (R-Naples)* ☹️

★ To see FAF’s letter on SB 478, click here: <http://bit.ly/2mUmpyO>

## COURT RECORDS

**SB 202 Court Records/Liability:** Stipulates that a clerk of court is not liable for the inadvertent release of confidential information contained in a court record if the filer of the record failed to disclose the existence of such information as required by court rule. Amends s. 119.0714(2), F.S. Companion to HB 441. *Sen. Jeff Brandes (R-St. Petersburg)* 😊

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

→ **HB 441 Court Records/Liability:** Companion to SB 202. *Rep. Ben Diamond (D-St. Petersburg)* 😊

**HB 239 Exemption/Protective Injunction Petitions:** Creates a public record exemption for injunctions for protection against domestic violence, repeat violence, dating violence, sexual violence, stalking, or cyber stalking that are dismissed without a hearing or at an ex parte hearing due to failure to state a claim, lack of jurisdiction, or the sufficiency of the petition. Amends s. 119.0714, F.S. Companion to SB 1062. *Rep. Larry Lee (D-Fort Pierce)*

- H. Civil Justice and Claims Subcommittee: A strike-all amendment making minor changes is adopted; reported favorably as a committee substitute. Now in H. Oversight, Transparency and Administration Subcommittee.

→ **SB 1062 Exemption/Protective Injunction Petitions:** Companion to HB 239. *Sen. Bobby Powell (D-West Palm Beach)*

**HB 301 Florida Supreme Court Reporting Requirements:** Requires the Florida Supreme Court to annually report specified information on all cases from the previous year for which a decision was not rendered within 180 days after oral argument or the date on which the case was submitted to the court for a decision without oral argument. Amends s. 25.052, F.S. Companion to SB 878. *Rep. Frank White (R-Pensacola)* WATCH

- H. Civil Justice and Claims Subcommittee: Reported favorably by a vote of 13/3, with Reps. J. Cortes, Diamond, and B. Watson voting no.
- H. Judiciary Committee: Reported favorably by a vote of 12/6, with Reps. Alexander, J. Cortes, Diamond, Geller, Pritchett, and Stafford voting no. Now on House Calendar.

→ **SB 878 Florida Supreme Court Reporting Requirements:** Companion to HB 301. *Sen. Tom Lee (R-Bandon)*

*SB 878 is scheduled for consideration by the S. Judiciary Committee on Tuesday, March 7, at 4:00 PM in Room 110, Senate Office Building.*

**SB 548 State Courts/Comprehensive Case Information System:** Amends s. 28.2405, F.S., requiring all clerks of court to participate in the Comprehensive Case Information System developed, operated, and maintained by the Florida Association of Court Clerks and Comptrollers. Stipulates that such system is to serve as a secure single point of access for searching statewide court information, provide access to court records, and contain court records, electronic case data, and any other data necessary to support the state court system. Amends s. 28.2405, F.S. Companion to HB 985. *Sen. Randolph Bracy (D-Ocoee)* WATCH

→ **HB 985 State Courts/Comprehensive Case Information System:** Companion to SB 548. *Rep. Lorraine Ausley (D-Tallahassee) WATCH*

**HB 791 Exemption/Petitions for Involuntary Assessment:** Creates a public record exemption for petitions of involuntary assessment and stabilization, court orders, and related records filed with a court. Also provides an exemption for the personal identifying information contained in such records published on a court docket. Amends s. 397.6815, F.S. Companion to SB 886. *Rep. Stan McClain (R-Ocala)*

→ **SB 886 Exemption/Petitions for Involuntary Assessment:** Companion to HB 791. *Sen. Dennis Baxley (R-Lady Lake)*

## CRIMINAL JUSTICE and LAW ENFORCEMENT

**HB 43 Use of Force Special Review Commission:** Creates the Use of Force Special Review Commission and authorizes the Commission to review lethal use of force incidents and refer incidents to the Attorney General for prosecution. Requires law enforcement agencies to report lethal use of force incidents to the Commission and prosecutors to notify the Commission of inquiries into use-of-force fatalities. Creates s. 943.69, F.S. *Rep. Barbara Watson (D-Miami Gardens) WATCH*

- Withdrawn from consideration.

**HB 111 Exemption/Murder - Identity of Witnesses:** Creates a public record exemption for the personal identifying information of those who witness a murder, stipulating that such information remains confidential and exempt for 2 years. Allows disclosure only to a criminal justice agency or governmental entity for use in the performance of official duties and responsibilities. Amends s. 119.071, F.S. Companion to SB 550. *Rep. Cynthia Stafford (D-Opa Locka) ☹*

- H. Criminal Justice Subcommittee: A proposed committee substitute making mostly technical changes is adopted; reported favorably as a committee substitute. Now in H. Oversight, Transparency and Administration Subcommittee.

★ To see FAF's letter on CS/HB 111, click here: <http://bit.ly/2mLkwFo>

→ **SB 550 Exemption/Murder – Identity of Witnesses:** Companion to HB 111. *Sen. Randolph Bracy (D-Ocoee) ☹*

- S. Criminal Justice Committee: An amendment conforming SB 550 to CS/HB 111 is adopted. Reported favorably as a committee substitute by a vote of 4/3, with Sens. Bradley, Brandes, and Clemens voting no. Now in S. Judiciary Committee.

★ To see FAF's letter on CS/SB 550, click here: <http://bit.ly/2mfw8Cn>

*CS/SB 550 is scheduled for consideration by the S. Judiciary Committee on Tuesday, March 7, at 4:00 PM, in Room 110, Senate Office Building.*

**SB 118 Criminal History Records and Mug Shots:** Amends s. 943.0585, F.S., to allow for the expunction of a criminal history record when the subject of the record was found not guilty. Requires a person or entity who publishes or displays any information or photo of a person whose criminal history record was expunged, to remove such information or photo at not cost within 14 days of receiving a certified copy of the order granting expunction. Allows the subject of the expunged record to file suit in civil court to enjoin publication or display and authorizes a court to impose a civil penalty of \$500 per day for noncompliance with an order of injunction, stipulating that the court must award attorney fees and court costs related to

the issuance of the order. Amends s. 943.0585, F.S. Companion to HB 857. *Sen. Greg Steube (R-Sarasota)* ☹️

- **S. Judiciary Committee:** A strike-all amendment is adopted; reported favorably as a committee substitute. As amended, CS/SB 118 prohibits those who publish mug shots from soliciting or accepting a fee to remove, correct, or modify a mug shot. Requires such publishers to remove a mug shot within 10 days of receiving a written request for removal. Allows the person whose mug shot was published to bring a civil action to enjoin the continued publication of the mug shot if not removed after receiving the written request and allows a court to impose a civil penalty of \$1,000 per day for noncompliance with an order of injunction. Also amends s. 943.0585, F.S., to allow for the expunction of a criminal history record when the subject of the record was acquitted or found not guilty. Now in S. Criminal Justice.

**Note: The FAF position on CS/SB 118 is Neutral.**

*CS/SB 118 is scheduled for consideration by the S. Criminal Justice Committee on Monday, March 6, at 1:30 PM in Room 37, Senate Office Building.*

➔ **HB 857 Criminal History Records and Mug Shots:** Amends s. 943.0585, F.S., to allow for the expunction of a criminal history record when the subject of the record was found not guilty. Requires a person or entity who publishes or displays any information or photo of a person whose criminal history record was expunged, to remove such information or photo at not cost within 14 days of receiving a certified copy of the order granting expunction. Allows the subject of the expunged record to file suit in civil court to enjoin publication or display and authorizes a court to impose a civil penalty of \$500 per day for noncompliance with an order of injunction, stipulating that the court must award attorney fees and court costs related to the issuance of the order. Amends s. 943.0585, F.S. Companion to SB 118. *Rep. Scott Plakon (R-Longwood)* | ☹️

**HB 305 Review of Body Camera Footage:** Requires a law enforcement agency to adopt guidelines authorizing a law enforcement officer using a body camera during an incident to review the relevant video footage of the incident before writing a report or providing a statement about the incident. Amends s. 943.1718, F.S. Companion to SB 624. *Rep. Shawn Harrison (R-Tampa)* WATCH

➔ **SB 624 Review of Body Camera Footage:** Companion to HB 305. *Sen. Greg Steube (R-Sarasota)* WATCH

*SB 624 is scheduled for consideration by the S. Criminal Justice Committee on Monday, March 6 at 1:30 PM in Room 307, Senate Office Building.*

**HB 331 Public Record Requests/Law Enforcement Agencies:** Requires that all requests to inspect or copy public records in the custody of a law enforcement agency be made to the head of the agency or that person's designee. Amends s. 119.07(1), F.S. Companion to SB 864. *Rep. Stan McClain (R-Ocala)* ☹️

➔ **SB 864 Public Record Requests/Law Enforcement Agencies:** Companion to HB 331. *Sen. Dennis Baxley (R-Lady Lake)* ☹️

**HB 369 Exemption/Prearrest Diversion Program:** HB 367 allows local communities and educational institutions to adopt prearrest diversion programs allowing law enforcement officers, at their discretion, to issue civil citations who commit specified qualifying misdemeanor offenses. Those who receive such citations must be provided appropriate health care services and comply with the program's requirements.

HB 369 creates a public record exemption for civil citations, documentation of prearrest diversion programs, and other reports and documents concerning a civil citation or a prearrest diversion program held by a law enforcement agency. Amends s. 901.40, F.S. Companion to SB 450. *Rep. Scott Plakon (R-Longwood) ???*

- H. Criminal Justice Subcommittee: A proposed committee substitute narrowing the exemption is adopted. As amended, CS/HB 369 creates a public record exemption for the personal identifying information of adults participating in a civil citation or prearrest diversion program. Now in H. Oversight, Transparency and Administration Subcommittee.

**Note: The FAF position on CS/HB 369 is Neutral.**

→**SB 450 Exemption/Prearrest Diversion Program**: Creates a public record exemption for civil citations, documentation of prearrest diversion programs, and other reports and documents concerning a civil citation or a prearrest diversion program held by a law enforcement agency. Amends s. 901.40, F.S. Companion to HB 369. *Sen. Jeff Brandes (R-St. Petersburg) ???*

*SB 450 is scheduled for consideration by the S. Criminal Justice Committee on Monday, March 6, at 1:30 PM in Room 37, Senate Office Building.*

**HB 395 Arrest Booking Photographs**: Prohibits a person who publishes or disseminates mug shots through publicly accessible print or electronic media from soliciting or accepting a fee to remove, correct, or modify a mug shot. Allows the subject of the mug shot to bring action enjoining the publication or dissemination of mug shots and provides for a court-imposed fine of \$1000/day for failure to comply with a court ordered injunction. Creates s. 119.17, F.S. Companion to SB 546. *Rep. Bobby DuBose (D-Fort Lauderdale) WATCH*

**SB 546 Arrest Booking Photographs**: Companion to HB 395. *Sen. Randolph Bracy (D-Ocoee) WATCH*

**HB 405 Retention Requirements/Body Camera Videos**: Amends s. 943.1718, F.S., to require that body camera videos be retained for a minimum of 60 days. *Rep. Newt Newton (D-St. Petersburg)*

**HB 513 Law Enforcement Body Cameras**: Stipulates that all law enforcement agencies with officers who engage in routine traffic stops must adopt procedures requiring officers who engage in such stops to wear and use body cameras by January 1, 2018. Amends s. 943.1718, F.S. Companion to SB 828. *Rep. Al Jacquet (D-West Palm Beach) WATCH*

→**SB 828 Law Enforcement Body Cameras**: Companion to HB 513. *Sen. Bobby Powell (D-West Palm Beach)*

**HB 611 Non-Judicial Expunction of Criminal History Records**: In pertinent part, allows the Florida Department of Law Enforcement to adopt rules for the non-judicial expunction of criminal history records if: (1) charges were not filed; (2) charges were dismissed by the state attorney, statewide prosecutor, or court; (3) charges were dismissed because the person accused acted in lawful self-defense; or (4) the person was found not guilty by reason of insanity. Stipulates that there is no limit on the number of times a person may obtain a non-judicial expunction. Creates s. 943.0584, F.S. Companion to SB 980. *Rep. Sharon Pritchett (D-Miramar) ???*

→ **SB 980 Non-Judicial Expunction of Criminal History Records:** Companion to HB 611. *Sen. Randolph Bracy (D-Ocoee) ???*

**HB 661 Exemption/Photographs and Videos Depicting the Killing of a Person:** Reenacts the public record exemption amended and narrowed last session 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. Companion to SB 968 and HB 1115. *Rep. Chris Latvala ☹*

- Withdrawn from consideration.

→ **SB 968 Exemption/Photographs and Videos Depicting the Killing of a Person:** Reenacts the public record exemption amended and narrowed last session 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. Companion to HB 1115. *Sen. Randolph Bracy (D-Ocoee) ☹*

★ To see FAF’s letter on SB 968, click here: <http://bit.ly/2mQ0ngj>

→ **HB 1115 Exemption/Photographs and Videos Depicting the Killing of a Person:** Companion to SB 968. *Rep. Kamia Brown (D-Ocoee) ☹*

**Bills to Watch:** The exemption for photographs and videos depicting the killing of a person was subject to sunset review during the 2016 Session. Sen. Rob Bradley was able to narrow the exemption so that it protected only those photographs and videos depicting the killing of a law enforcement officer while on active duty. SB 968 and HB 1115 reverse Bradley’s good amendment, reverting back to the overbroad exemption. Rep. Latvala wisely withdrew his bill from consideration and we’ve requested that Sen. Bracy and Rep. Brown do the same.

**SB 686 Exemption/Sexual Predators – Internet Identifiers:** In pertinent part, SB 684 requires sexual predators to register all internet identifiers with FDLE. Defines “internet identifier” as any designation, moniker, screen name, username, or other name used for self-identification to send or receive social internet communications. SB 686 creates a public record exemption for email addresses and internet identifiers reported to FDLE. Amends s. 119.071(5), F.S. Companion to HB 701. *Sen. Dennis Baxley (R-Lady Lake)*

→ **HB 701 Exemption/Sexual Predators – Internet Identifiers:** Companion to SB 686. *Rep. Amber Mariano (R-Port Richey)*

**SB 942 Exemption/Juvenile Offenders:** Amends s. 943.0515, F.S., to create a public record exemption for the criminal history records of minors classified as serious or habitual juvenile offender. Also amends s. 943.053(3), which currently allows access to a juvenile’s criminal history information if the juvenile was taken into custody, charged, or convicted of a felony violation or was transferred to adult court. SB 942 would allow access to a juvenile’s criminal history information only if the juvenile was transferred to adult court. Amends ss. 943.0515 and 953.053, F.S. *Sen. Perry Thurston (D-Fort Lauderdale) ???*

**SB 1448 Retention Requirements/Body Camera Videos:** Current law requires that body camera videos be retained for at least 90 days. SB 1448 amends that requirement to stipulate that such videos must be retained for a longer period of time if a complaint for which there is a body camera video is filed with the court or a law enforcement agency. In such cases, the body camera video must be retained for as long as the complaint is open. Amends s. 119.071(2), F.S. *Sen. Perry Thurston (D-Fort Lauderdale)* WATCH

### DIRECT SUPPORT ORGANIZATIONS

**SB 7002 OGSR/Donors – Publicly Owned Performing Arts Center:** Reenacts, with minor technical changes, an exemption for information that would identify a donor or prospective donor to publicly owned performing arts centers if the donor or prospective donor wants to remain anonymous. Reenacts s. 265.7015, F.S. *S. Community Affairs Committee*

**SB 7016 OGSR/Donors – Historic Capitol Museum:** Reenacts, without modification, the exemption for the identity of donors or prospective donors to the Florida Historic Capitol Museum who wish to remain anonymous. Reenacts s. 272.136, F.S. *S. Governmental Oversight and Accountability Committee*

### ECONOMIC DEVELOPMENT

**SB 216 Oversight/Economic Incentive Programs:** In pertinent part, amends s. 288.075, F.S., to require the Department of Economic Opportunity to contract with an independent third party to annually verify compliance of the requirements of economic incentives received by a business. Amends various provisions of law. *Sen. Jose Javier Rodriguez (D-Miami)* WATCH

**SB 322 Exemption/Unsolicited Proposals:** In pertinent part, SB 322 amends s. 255.065, F.S., relating to public-private partnerships, to expand the definition of “responsible public entity” to include state agencies and create a definition of the term “information technology.” SB 322 reenacts the public record and meetings exemptions in s. 255.065(15) relating to proposals received by “a responsible public entity,” to incorporate the changes to the definitional section. Amends s. 255.065, F.S. Companion to HB 609. *Sen. Greg Steube (R-Sarasota)*

→ **HB 609 Exemption/Unsolicited Proposals:** Companion to SB 322. *Rep. Colleen Burton (R-Lakeland)*

### ENVIRONMENT

**SB 532 Pollution Reports:** Creates the “Public Notice of Pollution Act,” requiring the Department of Environmental Protection to establish and publish the types and amounts of substances which, if released, would constitute a reportable release. Requires owner and operators of facilities at which a reportable release occurred to provide public notice of such release within 24 hours of discovery. Specifies that providing such notice does not constitute an admission of liability or harm. Creates s. 403.078, F.S. *Sen. Bill Galvano (R-Bradenton)* WATCH

*SB 532 is scheduled for consideration by the S. Environmental Preservation and Conservation Committee on Tuesday, March 7, at 4:00 PM in Room 37, Senate Office Building.*

## EXAMINATIONS AND INVESTIGATIONS

**HB 397 Exemption/Identifying Information – Victims of Alleged Sexual Harassment:** Creates a public record exemption for information relating to an allegation of sexual harassment, which could identify the victim. Amends s. 119.071, F.S. Companion to SB 492. *Rep. Holly Merrill Raschein (R-Key Largo)*

- H. Oversight, Transparency and Administration Subcommittee: An amendment, mostly technical in nature, was adopted; HB 397 was reported favorably as a committee substitute. As amended, CS/HB 397 creates a public record exemption for the personal identifying information of the alleged victim in an allegation of sexual harassment. Now in H. Government Accountability Committee.

→**SB 492 Exemption/Identifying Information – Victims of Alleged Sexual Harassment:** Creates a public record exemption for information relating to an allegation of sexual harassment, which could identify the victim. Amends s. 119.071, F.S. Companion to HB 397. *Rep. Dana Young (R-Tampa)*

**HB 437 Exemption/International Financial Institutions:** HB 435 revises various statutory provisions relating to financial institutions and creates requirements for international trust companies, including licensure, recordkeeping, permissible activities, liabilities, claims, and allowable fees. HB 437 creates a public record exemption for information identifying customers and potential customers of affiliated international trust entities and names of international trust entity shareholders held by the Office of Insurance Regulation. Also provides an exemption for any information received by the OIR, which is otherwise exempt pursuant to the laws of other states or the federal government. Creates s. 663.416, F.S. companion to SB 738. *Rep. Daniel Raulerson (R-Plant City)*

→**SB 738 Exemption/International Financial Institutions:** Companion to HB 437. *Sen. Debbie Mayfield (R-Vero Beach)*

*SB 738 is scheduled for consideration by the S. Banking and Insurance Committee on Monday, March 6, at 4:00 PM in Room 110, Senate Office Building.*

**SB 520 Exemption/Elder Abuse Fatality Review Teams:** SB 518 creates elder abuse fatality review teams to review fatal and near-fatal incidents of elder abuse. SB 520 creates a public record exemption for identifying information of elder abuse victims contained in records created by an elder abuse fatality review team. Also creates an exemption for portion of team meetings at which such exempt information is discussed. Amends s. 825.107, F.S. Companion to HB 705. *Sen. Audrey Gibson (D-Jacksonville)*

→**HB 705 Exemption/Elder Abuse Fatality Review Teams:** Companion to SB 520. *Rep. Barbara Watson (D-Miami Gardens)*

**HB 771 Exemption/International Trust Entities:** HB 769, in part, authorizes the Office of Financial Regulation to regulate and oversee international trust entities. HB 771 creates a public record exemption for reports of examinations, operations, or condition, including working papers, relating to the regulation or supervision of international trust entities prepared by or for the use of the Office of Financial Regulation. Amends s. 655.057, F.S. Companion to SB 1080. *Rep. George Moraitis (R-Fort Lauderdale)*

→**SB 1080 Exemption/International Trust Entities:** Companion to HB 771. *Sen. Rene Garcia (R-Hialeah)*



**HB 981 Exemption/Investigations – Department of Elderly Affairs:** Creates a public record exemption for the following information held by the Department of Elderly Affairs in connection with investigations into complaints filed with the Department: (1) the names of the complainant and the ward involved; (2) the ward’s personal health and financial records; and (3) photographs and videos related to the complaint or obtained during the investigation. Allows access by court order and stipulates that such information is subject to disclosure once the investigation is complete or no longer active. Creates s. 744.2111, F.S. companion to SB 1408. *Rep. Julio Gonzalez (R-Venice)*

→**SB 1408 Exemption/Investigations – Department of Elderly Affairs:** Companion to HB 981. Creates s. 744.20042, F.S. *Sen. Doug Broxson (R-Pensacola)*

**SB 7004 OGSR/Peer Review Panels – Department of Health:** Reenacts with minor technical changes an exemption for portions of peer review panels of the James and Esther King Biomedical Research Program and the William G. “Bill” Bankhead, Jr., and David Coley Cancer Research Program during which applications for biomedical research grants are discussed. Also reenacts public record exemptions for (1) records generated during the closed portions of the peer review meetings and (2) research grant applications provided to such panels, stipulating that the exempt information can be disclosed upon the written consent of the individual to whom the information pertains or upon court order. Reenacts ss. 215.56021 and 381.92201, F.S. Companion to HB 7041. *S. Health Policy Committee*

→**HB 7041 OGSR/Peer Review Panels – Department of Health:** Repeals s. 215.56021, F.S., which is duplicative of s. 381.92201, F.S., and reenacts s. 381.92201, F.S., without modification. *H. Oversight, Transparency and Administration Subcommittee*

## HOME ADDRESSES

**SB 210 Exemption/Home Addresses – Public Guardians:** Creates a public record exemption for the home addresses, telephone numbers, dates of birth, places of employment, and photographs of current or former public guardians. Also creates an exemption for the names, home addresses, telephone numbers, dates of birth, and places of employment of a public guardian’s spouse and children, and the names and locations of schools and day care facilities attended by their children. Creates s. 119.071(4)(d)2.q, F.S. *Sen. Kathleen Passidomo (R-Naples)*

- S. Children, Families and Elder Affairs Committee: A strike-all amendment moving the proposed exemption to s. 744.21031, F.S., is adopted. Reported favorably as a committee substitute. Now in S. Governmental Oversight and Accountability Committee.

*SB 210 is scheduled for consideration by the S. Governmental Oversight and Accountability Committee on Monday, March 6, at 4:00 PM in Room 401, Senate Office Building.*

**HB 243 Exemption/Home Addresses – OFR Personnel:** Creates a public record exemption for the home addresses, telephone numbers, dates of birth, and photographs of current or former non-sworn investigative personnel of the Office of Financial Regulation’s Bureau of Financial Investigation whose duties include the investigation of fraud, theft, other related activities, or state regulatory violations. Also creates an exemption for the names, home addresses, telephone numbers, dates of birth, and places of employment of spouse and children, and the names and locations of schools and day care facilities attended by the children of such personnel. Creates s. 119.071(4)(d)2.V., F.S. Companion to SB 248. *Rep. Daniel Raulerson (R-Plant City)*

- H. Oversight, Transparency and Administration Subcommittee: Reported favorably. Now in H. Governmental Oversight Accountability Committee.

→**SB 248 Exemption/Home Addresses – OFR Personnel**: Companion to HB 243. *Sen. Doug Broxson (R-Pensacola)*

**HB 383 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. HB 383 extends the exemption to include former firefighters, which is consistent with other home address exemptions. Amends s. 119.071(4)2.b, F.S. Companion to SB 1108. *Rep. Matt Willhite (D-Royal Palm Beach)*

→**SB 1108 Exemption/Home Addresses – Former Firefighters**: Companion to HB 383. *Sen. Frank Artiles (R-Miami)*

**SB 7018 OGSR/Home Address Exemptions**: There are numerous home address exemptions for a variety of government employees and officers in s. 119.071(4). In 2012, the legislature expanded those exemptions to include within the exemption personal telephone numbers and dates of birth for all of the protected employees and their spouses and children. SB 7018 reenacts the exemptions and expands some to include the names of spouses and children of the employees. The legislation also deletes requirements that those whose home addresses, etc. are exempt from disclosure take reasonable steps to insure that such information isn't available from other publicly-available sources. Amends s.119.071(4), F.S. *S. Governmental Oversight and Accountability Committee* 🙄

## INSURANCE

**HB 1009 Exemption/Insurer Anti-Fraud Plans**: HB 1007 requires certain insurers to adopt anti-fraud plans and provide such information to the Department of Financial Services. HB 1009 creates a public record exemption for the following information submitted to DFS by an insurer: (1) the name of employees assigned to anti-fraud activities; (2) a description of an insurer's anti-fraud investigative unit; (3) anti-fraud plans; and (4) required statistical data and information. Amends s. 626.9891, F.S. Companion to SB 1014. *Rep. Holly Merrill Raschein (R-Key Largo)*

→**SB 1014 Exemption/Insurer Anti-Fraud Plans**: Companion to HB 1009. *Sen. Jeff Brandes (R-St. Petersburg)*

## LICENSED PROFESSIONALS

**HB 1099 Exemption/Physical Therapy Licensure Compact**: HB 1097 creates the Physical Therapy Licensure Compact, in part recognizing physical therapy licenses in member states and providing requirements for multistate licensure. HB 1099 creates a public record exemption for a physical therapist's personal identifying information, *other than* the therapist's name, licensure status, and licensure number, held by the Board of Physical Therapy or the Department of Health pursuant to the compact. Creates s. 486.114, F.S. Companion to SB 1386. *Rep. Cary Pigman (R-Sebring)*

→**SB 1386 Exemption/Physical Therapy Licensure Compact:** Companion to HB 1099. *Sen. Denise Grimsley (R-Lake Placid)*

## OFFICIAL RECORDS

**HB 103 Exemption/Non-Viable Birth Certificates:** HB 101 creates the “Grieving Families Act,” authorizing the Department of Health to issue non-viable birth certificates upon request of the family. HB 103 creates a public record exemption for non-viable birth certificates. Amends s. 382.008, F.S. Companion to SB 674. *Rep. Bob Cortes (R-Altamonte Springs)*

- H. Health Quality Subcommittee: Reported favorably. Now in H. Oversight, Transparency and Administration Subcommittee.

→**SB 674 Exemption/Non-Viable Birth Certificates:** Creates a public record exemption for all information relating to the cause of death, the parentage, marital status, and medical information contained in non-viable birth records. Amends s. 382.008, F.S. Companion to HB 103. *Sen. Aaron Bean (R-Jacksonville)*

## PERSONAL INFORMATION

**HB 215 Exemption/Physician Abortion Reports:** In pertinent part, HB 203 requires a physician performing an abortion to report certain specified information to the Department of Health. HB 215 creates a public record exemption for all physician abortion reports filed with the DOH. Creates s. 390.305, F.S. Companion to SB 342. *Rep. Joe Gruters (R-Sarasota) ???*

→**SB 342 Exemption/Physician Abortion Reports:** Companion to HB 215. *Sen. Greg Steube (R-Sarasota) ???*

**HB 381 Exemption/Homelessness Surveys:** Creates a public record exemption for personal identifying information contained in homelessness surveys required by federal law. Creates s. 420.6231, F.S. Companion to SB 1024. *Rep. Matt Willhite (D-Royal Palm Beach)*

→**SB 1024 Exemption/Homelessness Surveys:** Companion to HB 381. *Sen. Linda Stewart (D-Orlando)*

**SB 722 Exemption/Compassionate and Palliative Care Plans:** SB 228, in part, creates the Clearinghouse for Compassionate and Palliative Care Plans, an electronic database of compassionate and palliative care plans submitted to and managed by the Agency for Health Care Administration. SB 722 creates a public record exemption for personal identifying information held by the Clearinghouse. Creates s. 408.0461, F.S. *Sen. Jeff Brandes (R-St. Petersburg)*

**SB 1008 Exemption/Division of Workers’ Compensation - Injured or Deceased Employees:** Creates a public record exemption for personal identifying information of injured or deceased employees contained in notices or reports filed with the Division of Workers’ Compensation within the Department of Financial Regulation. Amends s. 440.185, F.S. Companion to HB 1107. *Sen. Keith Perry (R-Gainesville)*

→ **HB 1107 Exemption/Division of Workers' Compensation – Injured or Deceased Employees:** Companion to SB 1008. *Rep. Ben Albritton (R-Bartow)*

**SB 1294 Confidentiality of Patient Records:** Allows a hospice to keep progress notes and psychiatric consultation reports separate from other care records. Prohibits a hospice from releasing a patient's interdisciplinary care records except under certain, specified conditions. Amends s. 400.111. *Sen. Bill Montford (D-Tallahassee)* WATCH

**HB 7045 OGSR/Unclaimed Property Reports:** Reenacts, without modification, the exemption for social security numbers and property identifiers contained in unclaimed property reports held by the Department of Financial Services. Reenacts s. 717.117, F.S. *H. Oversight, Transparency and Administration Subcommittee*

## PUBLIC MEETINGS

**HB 843 Exemption/Public Meetings:** Amends Florida's open meetings law to allow two members of a board or commission with more than 5 members to meet in private for the purpose of discussing public business. Stipulates that notice and recording of such meetings is not required. Amends s. 286.011, F.S. Companion to SB 1004. *Rep. Byron Donalds (R-Naples)* ☹

★ To see FAF's letter on HB 843, click here: <http://bit.ly/2m0S3LL>

☹ → **SB 1004 Exemption/Public Meetings:** Companion to HB 843. *Sen. Dennis Baxley (R-Lady Lake)*

★ To see FAF's letter on SB 1004, click here: <http://bit.ly/2m0F5xk>

**SB 914 Public Meetings:** Amends and clarifies various provisions of Florida's open meetings law, adding definitions of "de facto meeting" and "discussion." Also defines a "meeting" as any gathering, whether formal or informal, of two or more members of the same board or commission. Stipulates that all meetings and de facto meetings at which official acts are to be taken or business is to be transacted or discussed must be open and noticed to the public. Allows fact-finding by members of a board or commission if notice is provided and minutes are taken. Prohibits any action at fact-finding meetings. Also clarifies that members of a board or commission are allowed to socialize with one another. Amends s. 286.011, F.S. Companion to HB 919. *Sen. Dennis Baxley (R-Lady Lake)* WATCH

*SB 914 is scheduled for consideration by the S. Ethics and Elections Committee on Tuesday, March 7, at 4:00 PM in Room 412, Knott Building.*

→ **HB 919 Public Meetings:** Companion to SB 914. *Rep. Rick Roth (R-Palm Beach Gardens)*

**BILLS TO WATCH:** The general intent behind SB 914 and HB 919 is to clarify the requirements of our sunshine law, codifying case law. The legislation does reverse a court decision prohibiting members of a board or commission from fact-finding, but we think there are sufficient procedural safeguards in the bill so we're not worried about the fact-finding provision. We're included to support this legislation and will be suggesting some amendments to tweak the language in a couple of places. Stay tuned!

## PUBLIC RECORDS

**SB 80 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. SB 80 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. *Sen. Greg Steube (R-Sarasota)* ☹

★ To see FAF's letter on SB 80, click here: <http://bit.ly/2m98Dfi>

- S. Governmental Oversight and Accountability Committee: Reported favorably by a vote of 4/3, with Senators Rader, Rouson, and Stewart voting no. Now in S. Community Affairs.

*SB 80 is scheduled for consideration by the S. Community Affairs Committee on Monday, March 6, at 4:00 PM in Room 301, Senate Office Building.*

**HB 163 Public Records/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 163 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 SB 246. *Rep. Danny Burgess (R-Zephyrhills)*

➔ **SB 246 Public Records/Reasonable Attorney Fees and Costs:** Companion to HB 163. *Sen. Rene Garcia (R-Hialeah)*

**BILLS TO WATCH:** The attorney fee bills – SB 80, HB 163 and SB 246 – are holdovers from the 2016 legislative session. We worked with Sen. Garcia and the League of Cities on compromise language last year, and Garcia's bill (CS/SB 1220) passed the Senate unanimously. HB 163 and SB 246 are identical to the language agreed to with Sen. Garcia and the League. Sen. Steube, however, did not agree to the compromise. It's really hard to overstate the enormous negative impact SB 80 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 SB 80 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.

## RESEARCH

**SB 7014 OGSR/Department of Citrus – Unpublished Reports:** Reenacts, without modification, an exemption for unpublished reports or data related to studies or research conducted by the Department of Citrus. Reenacts s. 601.10, F.S. Companion to HB 7035. *S. Agriculture Committee*

➔ **HB 7035 OGSR/Department of Citrus – Unpublished Reports:** Companion to SB 7014. *H. Oversight, Transparency and Administration Subcommittee*

## SECURITY

**SB 110 Exemption/Postsecondary Institution Information Technology Security Programs:** Creates a public record exemption for records held by a state university or college 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 security information, whether physical or virtual, relating to existing or proposed information technology systems and portions of risk assessments, evaluations, external audits, and other reports of an institution's cyber security programs. Creates an exemption for portions of meetings at which such exempt information is discussed, stipulating that exempt portions of the meetings be recorded. Creates a public record exemption for the recordings of exempt meetings, allowing access by court order. Creates s. 1004.055, F.S. Companion to HB 501. *Sen. Jeff Brandes (R-St. Petersburg)*

→ **HB 501 Exemption/Postsecondary Institution Information Technology Security Programs:** Companion to SB 110. *Rep. Tom Leek (R-Daytona Beach)*

**HB 1079 Exemption/Campus Security Emergency Response:** Creates a public record exemption for campus emergency response plans held by a state university or college or by law enforcement or emergency management agencies. Also exempts portions of meetings, which would reveal such exempt information. Defines "campus emergency response plan" as: (1) records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations relating to an act of terrorism; (2) threat assessments; (3) threat response plans; (4) emergency evacuation plans; (5) sheltering arrangements; (6) security manuals; (7) vulnerability analyses; (8) post disaster activities; (9) post disaster transportation; (10) supplies, including drug caches; (11) staffing; (12) emergency equipment; and (13) information identifying students, faculty, and staff. Amends s. 1004.0962, F.S. Companion to SB 1224. *Rep. Bob Rommel (R-Naples) ???*

→ **SB 1224 Exemption/Campus Security Emergency Response:** Companion to HB 1079. *Sen. Kathleen Passidomo (R-Naples) ???*

## VOTER INFORMATION

**HB 445 Exemption/Voters and Voter Registration Information:** Creates a public record exemption for all information concerning preregistered voter registration applicants who are 16 or 17 years old. Amends s. 97.0585, F.S. Companion to SB 862. *Rep. Tom Goodson (R-Titusville)*

→ **SB 862 Exemption/Voters and Voter Registration Information:** Companion to HB 445. *Sen. Tom Lee (R-Brandon)*

**HB 709 Exemption/Statewide Voter Registration System:** HB 707 requires Florida's Secretary of State to enter into agreements with states in order to maintain the statewide voter registration system. HB 709 creates a public record exemption for information received by the Secretary of State that is confidential and exempt in its state of origin. Companion to SB 1072. *Rep. Ross Spano (R-Riverview)*

→**SB 1072 Exemption/Statewide Voter Registration System:** Companion to HB 709. *Sen. Travis Hutson (R-Palm Coast)*

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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 legislative reports, as well as archived reports dating back to 1995.*