



LEGISLATIVE REPORT

-
- Current action
 - CS** Committee Substitute
 - P** Passed both Chambers
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For Period Ending March 24

COURTS

CS/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 without an injunction being issued on or after July 1, 2017. Such petitions before July 1, 2017, will be exempt only upon the written request of the person named in the petition as a respondent. Amends s. 119.0714, F.S. Companion to SB 1062. *Rep. Larry Lee (D-Fort Pierce)*

- H. Judiciary Committee: Reported favorably. Now on the House Calendar.

SB 878 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 HB 301. *Sen. Tom Lee (R-Brandon)*

- S. Appropriations Criminal and Civil Justice Subcommittee: Reported favorably. Now in S. Appropriations Committee.

CS/SB 886 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. Allows access by court order. Amends s. 397.6815, F.S. Companion to HB 791. *Sen. Dennis Baxley (R-Lady Lake)*

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

SB 1062 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 HB 239. *Sen. Bobby Powell (D-West Palm Beach)*

- S. Governmental Oversight and Accountability Committee: A strike all amendment is adopted; reported favorably as a committee substitute. As amended, CS/SB 1062 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 without an injunction being issued on or after July 1, 2017. Such petitions before July 1, 2017, will be exempt only upon the written request of the person named in the petition as a respondent. Now in S. Rules Committee.

HB 1417 Exemption/Identifying Information – Victims of Human Trafficking: Allows a court to close hearings relating to human trafficking at the request of the victim. The victim is also allowed to request that identifying information contained in court files be redacted or sealed. Creates a public record exemption for the redacted information and sealed files. Amends s. 787.061, F.S. *Rep. Ross Spano (R-Riverview)*

- H. Civil Justice and Claims Subcommittee: An amendment to the required statement of public necessity is adopted; reported favorably as a committee substitute. Now in H. Oversight, Transparency and Administration Committee.

HB 7087 OGSR/Identifying Information – Victims of Violence: Reenacts, without modification, the public record exemption for the home and employment telephone numbers, cell phone numbers, home or employment addresses, and e-mail addresses of victims of specified violent crimes (domestic violence, repeat violence, sexual violence, and dating violence) provided to the clerks of court and law enforcement in order for the victims to receive automatic notification when a restraining order requested by the victim has been served. Requires the victims to request protection of their personal information in writing and stipulates that the information will be subject to public disclosure five years after the written request is received. Reenacts ss. 741.30(8)(c) and 784.046(8)(c), F.S. *H. Oversight, Transparency and Administration Subcommittee*

CRIMINAL JUSTICE and LAW ENFORCEMENT

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)* ☹️

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

- H. Judiciary Committee: An amendment allowing access to the identity of an eyewitness by the criminal defendant is adopted. Reported favorably as a committee substitute. Now on the House Calendar.

CS/SB 118 Criminal History Records and Mug Shots: 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. Stipulates that refusal to remove a mug shot upon written

request constitutes an unfair or deceptive trade practice and that the requirements of the bill apply only to those who solicit or accept payments to remove a mug shot. 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 if the person seeking expunction has not been previously been found guilty of a misdemeanor or felony. Amends s. 943.0585, F.S. Companion to HB 857. *Sen. Greg Steube (R-Sarasota)*

- S. Appropriations Committee: A minor amendment is adopted; reported favorably as a committee substitute. Now on the Senate Calendar.

HB 1203 Exemption/Department of Corrections – Health Information: Creates a public record exemption for “protected health information” of inmates and offenders held by the Department of Corrections. Also exempts the identity of inmates and offenders contained in HIV test records. Allows access under certain specified conditions. “Protected health information” is defined as individually identifiable health information transmitted or maintained electronically. Amends s. 945.10, F.S. Companion to SB 1526. *Rep. Julio Gonzalez (R-Venice)*

- H. Criminal Justice Subcommittee: Reported favorably. Now in H. Oversight, Transparency and Administration Subcommittee.

SB 1526 Exemption/Department of Corrections – Health Information: Creates a public record exemption for “protected health information” of inmates and offenders held by the Department of Corrections. Also exempts the identity of inmates and offenders contained in HIV test records. Allows access under certain specified conditions. “Protected health information” is defined as individually identifiable health information transmitted or maintained electronically. Amends s. 945.10, F.S. Companion to HB 1203. *Sen. Randolph Bracy (R-Ocoee)*

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

HB 7053 Exemption/Videotaped Statements of Minors: Expands the exemption for videotaped statements of minors who are victims of sexual battery, lewd acts, and other sexual misconduct to also include statements of minors who are victims of child pornography. Amends s. 119.071(2)(j)2.a., F.S. Companion to SB 1560. *H. Criminal Justice Subcommittee*

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

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*

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

ENVIRONMENT

CS/SB 532 Pollution Reports: Creates the “Public Notice of Pollution Act,” requiring the Department of Environmental Protection to establish and publish a list of substances, which if released or discharged,

would present an immediate and substantial risk to the public health, safety or welfare. Requires owners and operators of facilities at which a reportable release occurred to report such release within 24 hours of discovery to DEP. Requires DEP to publish all such notices on a publicly accessible website and to create an email list for all notices, allowing the public and media to subscribe and receive periodic announcements of all notices submitted. Creates ss. 403.076 – 403.078, F.S. *Sen. Bill Galvano (R-Bradenton) WATCH*

- S. Appropriations Subcommittee on the Environment and Natural Resources: Reported favorably. Now in S. Appropriations Committee.

EXAMINATIONS AND INVESTIGATIONS

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 that is otherwise exempt pursuant to the laws of other states or the federal government. Allows for the release of such information under certain, specified conditions. Contains a penalty provision, stipulating that intentional release of the exempt information is a third degree felony. Creates ss. 663.416 and 663.450, F.S. Companion to SB 738. *Rep. Daniel Raulerson (R-Plant City)*

- H. Insurance and Banking Subcommittee: A lengthy amendment expanding the proposed exemption is adopted. As amended, CS/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 found in the books and records of an international trust company representative or held by the Office of Insurance Regulation. Also provides an exemption for any information received by the OIR that is otherwise exempt pursuant to the laws of other states or the federal government. Allows for the release of such information under certain, specified conditions. Contains a penalty provision, stipulating that intentional release of the exempt information is a third degree felony. Now in H. Oversight, Transparency and Administration 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 that could identify the victim. Amends s. 119.071, F.S. Companion to HB 397. *Rep. Dana Young (R-Tampa)*

- S. Children, Families and Elder Affairs Committee: A strike all amendment making technical changes is adopted. Reported favorably as a committee substitute. Now in S. Governmental Oversight and Accountability Committee.

HB 1285 Exemption/Chief Inspector General and Agency Inspectors General: Creates public record exemptions for the audit or investigative work papers, records, reports, reviews, inquiries, and other documentation obtained or created in relation to an active audit or investigation conducted by the Chief Inspector General and agency inspectors general. Stipulates that such records are subject to disclosure once the audit or investigation is complete or a final report is issued. Amends ss. 14.32 and 20.055, F.S. Companion to SB 1480. *Rep. Daniel Raulerson (R-Plant City)*

- H. Oversight, Transparency and Administration Subcommittee: A lengthy amendment making mostly technical changes is adopted. Reported favorably as a committee substitute. Now in H. Public Integrity and Ethics Committee.

HOME ADDRESSES

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 the 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)*

- House: Passed unanimously. Now in Senate Messages.

HB 7093 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. HB 7093 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. Companion to SB 7018. *H. Oversight, Transparency and Administration Subcommittee* ☹

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 and Human Services Committee: A lengthy amendment is adopted; reported favorably as a committee substitute. CS/HB 103 creates a public record exemption for information relating to the cause of death, parentage, marital status of the parent, and any medical information included in non-viable birth records. Allows access by court order and for health research purposes. Now on the House Calendar.

PERSONAL INFORMATION

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*

- House: Passed unanimously. Now in Senate Messages.

PROPRIETARY INFORMATION

HB 7067 OGSR/Title Insurance Companies – Proprietary Business Information: Reenacts, with minor changes, an exemption for proprietary confidential business information provided to the Office of Insurance Regulation by title insurance agencies and insurers. Defines “proprietary business information” as information that (1) is owned or controlled by the title insurance agency; (2) is intended to be and is treated by the company as private in that disclosure would cause harm to its business operations; and (3) has not been publicly disclosed. Reenacts s. 626.84195, F.S. Companion to SB 7024. *H. Oversight, Transparency and Administration Committee*

- House: Passed unanimously. Now in Senate Messages.

PUBLIC RECORDS

CS/SB 80 Public Record/Reasonable Attorney Fees and Costs: Amends the attorney fee provision in the public records law, requiring a court to award reasonable costs of enforcement, including attorney fees, to the requestor in lawsuits brought to enforce the public records law if a court (1) determines that the agency violated the law; and (2) the requestor provided written notice to the agency’s custodian of records of the public record request five days prior to filing the lawsuit. Also requires a court to determine whether the public record request was for an “improper purpose,” and, if so, requires the court to award reasonable costs of enforcement against the requestor. “Improper purpose” is defined as the filing of a request or lawsuit for the primary purpose of harassing the agency, causing a violation of the law, or for frivolous purpose. Finally, stipulates that the public records law does not allow monetary damages. Amends s. 119.12, F.S. Companion to HB 163. *Sen. Greg Steube (R-Sarasota)*

- Senate: An amendment by Sen. Rodriguez clarifying that the written notice requirement applies only when a requestor files suit to enforce compliance with the public records law was withdrawn from consideration. CS/SB 80 was rolled to third reading for passage by the Senate.

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 80 and SB 246. *Rep. Danny Burgess (R-Zephyrhills)*

- H. Civil Justice and Claims Subcommittee: A proposed committee substitute is adopted; reported favorably. As amended, CS/HB 163 amends s. 119.12, F.S., requiring a court to award reasonable costs of enforcement, including attorney fees, to the requestor in lawsuits brought to enforce the public records law if a court (1) determines that the agency violated the law; and (2) the requestor notified the agency’s custodian of records in writing of the public record request five days prior to filing the lawsuit. Also requires a court to determine whether the public record request was for an “improper purpose,” and, if so, requires the court to award reasonable costs of enforcement against the requestor. “Improper purpose” is defined as the filing of a request or lawsuit for the primary purpose of harassing the agency, causing a violation of the law, or for frivolous purpose.

Finally, stipulates that the public records law does not allow monetary damages. Now in H. Government Accountability Committee.

RESEARCH

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*

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

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*

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

HB 7035 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 SB 7014. *H. Oversight, Transparency and Administration Subcommittee*

- House: Passed unanimously. Now in Senate Messages.

HB 7041 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. Repeals s. 215.56021 and amends 381.92201, F.S. Companion to SB 7004. *H. Oversight, Transparency and Administration Subcommittee*

- H. Health and Human Services Committee: Reported favorably.
- H. Government Accountability Committee: Reported favorably. Now on H. Calendar.

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)*

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

SB 1224 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. Creates s. 252.64, F.S. Companion to HB 1079. *Sen. Kathleen Passidomo (R-Naples) ???*

- S. Military and Veterans Affairs, Space and Domestic Security Committee: A strike all amendment conforming SB 1224 to its House companion is adopted. The substance of the proposed exemption remains the same, but the bill now creates s. 1004.0962, F.S. Reported favorably as a committee substitute. Now in S. Governmental Oversight and Accountability Committee.

VOTER INFORMATION

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 an exempt in its state of origin. Companion to SB 1072. *Rep. Ross Spano (R-Riverview)*

- H. Oversight, Transparency and Administration Subcommittee: An amendment to the bill is adopted; reported favorably as a committee substitute. CS/HB 709 creates a public record exemption for information received by the Department of State from another state, pursuant to an interstate agreement, that is exempt or confidential pursuant to the laws of that state. Now in H. Government Accountability Committee.

SB 862 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 HB 445. *Sen. Tom Lee (R-Brandon)*

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

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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.