



LEGISLATIVE REPORT

-
- Current action
- CS** Committee Substitute
- P** Passed both Chambers
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For Period Ending March 10

COURT RECORDS

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

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 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)*

- H. Children, Families and Seniors Subcommittee: A proposed committee substitute is adopted; reported favorably. CS/HB 791 creates a public record exemption for all pleadings and other documents relating to involuntary assessment and stabilization filed with or by a court. Also exempts personal identifying information published on a court docket and maintained by the clerk of court related to involuntary assessments and stabilizations. Allows access by certain specified persons and entities. Creates s. 397.6760. Now in H. Oversight, Transparency and Administration Subcommittee.

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)*

SB 1736 Exemption/Business Email Addresses – Justices and Judges: Creates a public record exemption for the business email addresses of current Supreme Court justices and all judges. Amends s. 119.071(4)(d)2.c., F.S. *Sen. Darryl Rouson (D-St. Petersburg)* ☹️

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

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

- S. Criminal Justice Committee: A strike all amendment is adopted by a vote of 5/2 with Sens. Bradley and Brandes voting no; reported favorably as a committee substitute. 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. 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. Now in S. Appropriations Committee.

CS/SB 550 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 HB 111. *Sen. Randolph Bracy (D-Ocoee)* ☹️

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

- S. Judiciary Committee: An amendment allowing access to the identity of witnesses by the parties in a pending criminal prosecution is adopted. Reported favorably as a committee substitute. Now in S. Governmental Oversight and Accountability Committee.

SB 624 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 HB 305. *Sen. Greg Steube (R-Sarasota)* WATCH

- S. Criminal Justice Committee: An amendment is adopted; reported favorably as a committee substitute. CS/SB 624 allows a law enforcement officer using a body camera to review the recorded footage, upon his or her request, before writing a report or providing a statement, except when an officer provides information at the scene of an incident for the sole purpose of identifying and preserving the crime scene and identifying witnesses and suspects. Now in S. Judiciary.

HB 701 Exemption/Sexual Predators – Internet Identifiers: In pertinent part, HB 699 requires sexual predators to register all internet identifiers with FDLE. “Internet identifier” is defined as any designation, moniker, screen name, username, or other name used for self-identification to send or receive social internet communications. HB 701 creates a public record exemption for email addresses and internet identifiers reported to FDLE by sexual predators or sexual offenders.. Amends s. 119.071(5), F.S. Companion to SB 686. *Rep. Amber Mariano (R-Port Richey)*

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

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)*

➔ **SB 1526 Exemption/Department of Corrections – Health Information:** Companion to HB 1203. *Sen. Randolph Bracy (R-Ocoee)*

HB 1395 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. HB 1395 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. Companion to SB 942. *Rep. Kimberly Daniels (D-Jacksonville) ???*

SB 1560 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 HB 7053. *Sen. Lauren Book (D-District 32/Broward County)*

➔ **HB 7053 Exemption/Videotaped Statements of Minors:** Companion to SB 1560. *H. Criminal Justice Subcommittee*

ECONOMIC DEVELOPMENT

SB 1502 Disclosure of Contract Information: Makes various amendments to s. 125.0104, F.S., relating to tourist development taxes and transparency of all contracts and agreements. Specifically, SB 1502 defines

“corporation” as a private entity receiving tax revenues pursuant to s. 125.0104. Requires contracts between an individual or corporation and any entity receiving public funds to include the purpose of the contract; specific performance standards; a detailed budget; the value of services provided; and the salaries of all employees and board members and projected travel and entertainment expenses. Also amends s. 288.075, F.S., stipulating that “proprietary confidential business information” does not include information relating to the amount paid to a private corporation, partnership, or person by an economic development agency pursuant to an economic incentive agreement and requiring disclosure of the amount paid to a private corporation, partnership, or person pursuant to such agreements. Finally, amends the definition of trade secret in ss. 688.002 and 812.082, F.S., specifying that a trade secret does not include information relating to the amount paid by an agency to private corporations, partnerships, or persons. Amends ss. 125.0104; 288.075; 688.002; and 812.082. *Sen. Darryl Rouson (D-St. Petersburg)* 😊

Bills To Watch: Senator Rouson’s bill will provide some much needed transparency to the awarding of economic incentives. It also addresses the issue of payments by government agencies such as Visit Florida. At this point, there’s no House companion but we’re hoping that given Speaker Corcoran’s interest in this area, we’re hoping to see something filed soon.

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 owners 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

- S. Environmental Preservation and Conservation Committee: A lengthy amendment making a number of changes to the bill is adopted; reported favorably as a committee substitute. As amended, CS/SB 532 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. Now in S. Appropriations Subcommittee on the Environment and Natural Resources.

EXAMINATIONS AND INVESTIGATIONS

SB 738 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 HB 437. *Sen. Debbie Mayfield (R-Vero Beach)*

- S. Banking and Insurance Committee: A minor technical amendment 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)*

→ **SB 1480 Exemption/Agency Inspectors General:** Creates a public record exemption for audit work papers, records, reports, and other documents obtained or created in relation to an active audit or investigation by an agency inspector general. Stipulates that such records are subject to disclosure once the audit or investigation is complete or a final report is issued. Amends s. 20.055, F.S. Companion to HB 1285. *Sen. Dennis Baxley (R-Lady Lake)*

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 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*

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

HOME ADDRESSES

CS/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. 744.21031, F.S. *Sen. Kathleen Passidomo (R-Naples)*

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

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. Government Accountability Committee: Reported favorably. Now on H. Calendar.

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)*

- H. Oversight, Transparency and Administration Subcommittee: A minor technical amendment is adopted; reported favorably as a committee substitute. Now in H. Government Accountability Committee.

INSURANCE

SB 1768 Exemption/DHSMV - Medical Payments Coverage and Motor Vehicle Liability Insurance Policies: Legislation has been filed to repeal Florida's Motor Vehicle No-Fault Law. SB 1768 amends the current exemption for personal identifying information contained in personal injury protection and property damage liability insurance policies held by DHSMV to protect such information in medical payments coverage and motor vehicle liability insurance policies. Amends s. 324.242, F.S. *Sen. Tom Lee (R-Brandon)*

PERSONAL INFORMATION

HB 1409 Exemption/Personal Identifying Information – Assault Weapon Possession Certificates: HB 167 requires those who lawfully possess an assault weapon to obtain a certificate of possession from FDLE. HB 1409 creates a public record exemption for personal identifying information contained in such certificates. Creates s. 790.30, F.S. *Rep. Carlos Guillermo Smith (D-Winter Park)* ☹️

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*

- H. Government Accountability Committee: Reported favorably. Now on House Calendar.

PROPRIETARY INFORMATION

HB 1393 Exemption/Florida Film Investment Corporation: Creates a public record exemption for personal financial records, trade secrets, and proprietary information of persons applying for an equity investment from the Florida Film Investment Corporation. Amends s. 288.1259, F.S. *Rep. David Silvers (D-West Palm Beach)* ???

SB 1504 Exemption/Proprietary Confidential Business Information: Creates a public record exemption for proprietary confidential business information held by an agency. Stipulates that if a request is made for such information, the custodial agency must notify the proprietor of the information that a request has

been made and that the information must be released pursuant to the request unless the proprietary verifies in writing that the requested record contains proprietary confidential information and provides the location of such information within the requested record. Defines “proprietary confidential business information” as information that (1) is owned or controlled by the proprietor requesting confidentiality; (2) is treated by the proprietor as private; (3) is not readily ascertainable or publicly available from any other source; (4) if disclosed, would cause harm to the business operations of the proprietor; and (5) has not been intentionally disclosed other than under a private agreement that prohibits release of the information to the public. Allows disclosure by court order. Amends s. 119.071, F.S., and repeals s. 815.045, F.S. *Sen. Darryl Rouson (D-St. Petersburg)*

PUBLIC MEETINGS

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)*

- S. Ethics and Elections Committee: Reported favorably. Now in S. Community Affairs Committee.

SB 1514 Public Meetings: Amends the notice requirement in s. 286.011, to require publication of all agenda items and any materials or attachments at least three days prior to a public meeting. Requires 24 hours notice of emergency meetings. Also amends the provision regarding public speaking to stipulate that a member of the public has the right to speak for at least three minutes on (1) pending agenda items that relate to the appointment of public officers; (2) zoning or land use regulations; (3) the imposition of taxes, fees, and fines; (4) other issues affecting the rights of residents and business owners; and (5) any issue that is not on the agenda but is within the purview of the jurisdiction of the board or commission. Requires a board or commission to respond, either publicly at the meeting or through written correspondence, to any question from the public. Written responses must be made within 10 days after the meeting and incorporated into the minutes of the meeting. Amends s. 286.011, F.S., and repeals s. 286.0114, F.S. *Sen. Kevin Rader (D-Boca Raton)* 😊

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. Community Affairs Committee: A strike-all amendment is adopted by a vote of 6/1 (Sen. Rodriguez voting no); reported favorably as a committee substitute. The CS/SB 80 amends the mandatory attorney fee provision in the public records law to say a court *may* award such fees, requiring the court to consider if the public record request was (1) made in bad faith or was made

to harass the agency or to cause a violation of the public records law; and (2) if the custodial agency responded in good faith to the request. Requires a requestor 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. Allows a court to award reasonable attorney fees against the requestor if the court finds the lawsuit was filed in bad faith or was frivolous. Finally, requires a court to award attorney fees if the requestor can show by a preponderance of the evidence that the agency intentionally or willfully violated the public records law. Now in S. Judiciary Committee.

★ To see FAF's letter on CS/SB 80 and a proposed amendment, click here: <http://bit.ly/2mUdEsB>

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)*

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

RESEARCH

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*

- H. Agriculture and Property Rights Subcommittee: Reported favorably. Now in H. Government Accountability Committee.

TRANSPARENCY

HB 1209 Health Information Transparency: In pertinent part, requires the Agency for Health Care Administration to contract with a vendor to develop a system using existing public and private health care data sources for the purpose of providing health care providers with real-time access to patient health care records. Amends s. 408.05, F.S. Companion to SB 1550. *Rep. Jason Brodeur (R-Sanford)*

➔ **SB 1550 Health Information Transparency:** Requires the Agency for Health Care Administration to contract with a vendor to investigate and report to the Legislature on opportunities for the development of systems using existing public and private health care data sources for the purpose of providing health care providers with real-time access to patient health care records. Amends s. 408.05, F.S. Companion to HB 1209. *Sen. Frank Artiles (R-Miami)*

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