



LEGISLATIVE REPORT

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- Current action
 - CS** Committee Substitute
 - P** Passed both Chambers
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For Period Ending March 17

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/2lHKwAq>

- H. Post-Secondary Education Subcommittee: Reported favorably by a vote of 11/3, with Reps. Asencio, Smith, and Stark voting no. Now in H. Oversight, Transparency and Administration Subcommittee.

COURT RECORDS

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. Amends s. 119.0714, F.S. Companion to SB 1062. *Rep. Larry Lee (D-Fort Pierce)*

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

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

- House: Passed the House by a vote of 78/37. Now in Senate Messages.

★ To see the House vote, click here: <http://bit.ly/2lLeQhs>

HB 441 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 SB 202. *Rep. Ben Diamond (D-St. Petersburg)* 😊

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

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. Amends s. 397.6815, F.S. Companion to HB 791. *Sen. Dennis Baxley (R-Lady Lake)*

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

CRIMINAL JUSTICE AND LAW ENFORCEMENT

CS/HB 369 Exemption/Prearrest Diversion Program: HB 367 authorizes adoption of prearrest diversion programs by local communities and educational institutions allowing law enforcement officers, at their discretion, to issue civil citations to those 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. CS/HB 369 creates a public record exemption for personal identifying information of adults participating in 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. Oversight, Transparency and Administration Subcommittee: Reported favorably. Now in H. Judiciary Committee.

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)* ???

- S. Criminal Justice Committee: A strike all amendment is adopted; reported favorably as a committee substitute. As amended, CS/SB 450 creates a public record exemption for personal identifying information of adults participating in a civil citation or a prearrest diversion program held by a law enforcement agency. Now in S. Governmental Oversight and Accountability Committee.

Note: The FAF position on CS/SB 450 is Neutral.

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)* ☹

- H. Criminal Justice Subcommittee: A proposed committee substitute is adopted; reported favorably as a committee substitute. CS/HB 857 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 H. Careers and Competition Subcommittee.

Note: The FAF position on CS/HB 857 is Neutral.

EXAMINATIONS AND INVESTIGATIONS

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)*

- H. Children, Families and Seniors Subcommittee: An amendment making the exemption retroactive is adopted. Reported favorably as a committee substitute. Now in H. Oversight, Transparency and Administration Subcommittee.

HOME ADDRESSES

SB 1108 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. SB 1108 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 HB 383. *Sen. Frank Artiles (R-Miami)*

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

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. Oversight, Transparency and Administration Subcommittee: Reported favorably. Now in H. Health and Human Services Committee.

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)*

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

PERSONAL INFORMATION

SB 1024 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 HB 381. *Sen. Linda Stewart (D-Orlando)*

- S. Children, Families and Elder Affairs Committee: Reported favorably. Now in S. Governmental Oversight and Accountability Committee.

HB 1107 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 SB 1008. *Rep. Ben Albritton (R-Bartow)*

- H. Insurance and Banking Subcommittee: A proposed committee substitute is adopted. Reported favorably as a committee substitute. Now in H. Oversight, Transparency and Administration Subcommittee.

SB 7026 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. Companion to HB 7045. *S. Banking and Insurance Committee*

PROPRIETARY INFORMATION

SB 7024 OGSR/Title Insurance Companies – Proprietary Business Information: Reenacts, with minor changes, an exemption for proprietary confidential business information provided to the Office of Insurance Regulations 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 HB 7067 *S. Banking and Insurance Committee*

→ **HB 7067 OGSR/Title Insurance Companies – Proprietary Business Information:** Companion to SB 7024. *H. Oversight, Transparency and Administration Committee*

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

PUBLIC RECORDS

CS/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. 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 against the agency if the requestor can show by a preponderance of the evidence that the agency intentionally or willfully violated the public records law. Amends s. 119.12, F.S. *Sen. Greg Steube (R-Sarasota)* ☹

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

- S. Judiciary Committee: A strike all amendment is adopted; reported favorably as a committee substitute. As amended, CS/CS/SB 80 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 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 on the Senate Calendar.

Note: The FAF position on CS/CS/SB 80 is Neutral.

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

SECURITY

HB 501 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 SB 110. *Rep. Tom Leek (R-Daytona Beach)*

- H. Post-Secondary Education Subcommittee: A minor amendment is adopted. Reported favorably as a committee substitute. Now in H. Oversight, Transparency and Administration Subcommittee.

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) ???*

- H. Post-Secondary Education Subcommittee: Reported favorably. Now in H. Oversight, Transparency and Administration Subcommittee.

TRANSPARENCY

HB 7065 Local Government Fiscal Transparency Act: Creates the "Local Government Fiscal Transparency Act" for the purpose of promoting local government fiscal transparency by requiring additional public notice of proposed local government action regarding taxation, including increases in taxes, enactment of new taxes, or extension of expiring taxes. Requires a local government to post the voting records on such issues on the local government's website. Creates Part VIII in ch. 218, F.S. *Rep. Tom Leek (R-Daytona Beach) WATCH*

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