



LEGISLATIVE REPORT

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- Current action
- CS** Committee Substitute
P Passed both Chambers
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For Period Ending March 31

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 to establish qualifications or determine compensation. Meetings held after a final group of applicants has been selected to make 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/2IHKwAq>

- H. Oversight, Transparency and Administration Subcommittee: A strike all amendment is adopted by a vote of 10/3, with Reps. Davis, Edwards, and Henry voting no. Reported favorably as a committee substitute. As amended, CS/HB 351 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 to establish qualifications or determine 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 21 days before the meeting at which the finalist will be selected. Now in the H. Education Committee.

COURTS

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

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*

- S. Criminal Justice Committee: Reported favorably. Now in S. Judiciary Committee.

CS/HB 791 Exemption/Petitions for Involuntary Assessment: 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. Companion to SB 886. *Rep. Stan McClain (R-Ocala)*

- H. Oversight, Transparency and Administration Subcommittee: A minor amendment was adopted; reported favorably as a committee substitute. Now in H. Health and Human Services Committee.

CS/SB 1062 Exemption/Protective Injunction Petitions: Creates a public record exemption 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 HB 239. *Sen. Bobby Powell (D-West Palm Beach)*

- S. Rules Committee: A strike all amendment making minor changes is adopted. Reported favorably as a committee substitute. Now on the Senate Calendar.

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

SB 7028 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. Companion to HB 7087. *S. Judiciary Committee*

CRIMINAL JUSTICE and LAW ENFORCEMENT

CS/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 to a criminal justice agency or governmental entity

for use in the performance of official duties and responsibilities and to the criminal defendant. 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>

- House: Passed the House by a vote of 113/3, with Reps. Berman, Geller, and Rodrigues voting no. Now in Senate Messages.

CS/SB 450 Exemption/Prearrest Diversion Program: 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 HB 369. *Sen. Jeff Brandes (R-St. Petersburg)*

- S. Governmental Oversight and Accountability Committee: An amendment expanding and clarifying the exemption is adopted; reported favorably as a committee substitute. As amended, CS/SB 450 creates a public record exemption for personal identifying information of an adult participating in a civil citation or prearrest diversion program held by a law enforcement agency, a program services provider, or an entity operating a civil citation or prearrest diversion program. Stipulates that the exemption does not apply to the personal identifying information of those adults who fail to complete civil citation or prearrest diversion programs. 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 to a criminal justice agency or governmental entity for use in the performance of official duties and responsibilities and to the criminal defendant. 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. Governmental and Oversight Accountability Committee: Reported favorably. Now in S. Rules Committee.

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

EXAMINATIONS AND INVESTIGATIONS

CSHB 397 Exemption/Identifying Information – Victims of Alleged Sexual Harassment: Creates a public record exemption for the personal identifying information of the alleged victim in an allegation of sexual harassment. Creates s. 119.071(2)(m), F.S. Companion to SB 492. *Rep. Holly Merrill Raschein (R-Key Largo)*

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

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)*

- Withdrawn from further consideration.

CS/SB 738 Exemption/International Financial Institutions: SB 736 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. CS/SB 738 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 ss. 663.416 and 663.450, F.S. Companion to HB 437. *Sen. Debbie Mayfield (R-Vero Beach)*

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

CS/HB 981 Exemption/Investigations – Department of Elderly Affairs: Creates a public record exemption for the following information held by the Department of Elderly Affairs about 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. Oversight, Transparency and Administration Committee: Reported favorably. Now in H. Health and Human Services 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.

SB 1408 Exemption/Investigations – Department of Elderly Affairs: Creates a public record exemption for the following information held by the Department of Elderly Affairs about 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 HB 981. Creates s. 744.20042, F.S. *Sen. Doug Broxson (R-Pensacola)*

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

HOME ADDRESSES

CS/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

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

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. Governmental Oversight and Accountability Committee: An amendment expanding the exemption to include the names of spouses and children is adopted. Reported favorably as a committee substitute. Now in S. Rules 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)*

- H. Insurance and Banking Subcommittee: A strike all amendment expanding the proposed exemption is adopted. Reported favorably as a committee substitute. As amended, CS/HB 1009 creates a public record exemption for information provided by an insurer describing the insurer's (1) required anti-fraud training and anti-fraud investigative unit; and (2) the rationale for the level of anti-fraud staffing and resources provided. Also exempts the (3) number of fraud matters referred to the anti-fraud investigative unit that were not claim related; (4) number of claims investigated or accepted by the anti-fraud investigative unit; (5) number of other insurance fraud matters investigated or accepted by the anti-fraud investigative unit that were not claim related; and (6) estimated dollar amount or range of damages of cases referred to the Division of Investigative and Forensic Services or other agencies. Now in H. Oversight, Transparency and Administration Subcommittee.

OFFICIAL RECORDS

CS/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. Governmental Oversight and Accountability Committee: An amendment is adopted; reported favorably as a committee substitute. As amended, CS/SB 674 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 in S. Appropriations Committee.

PERSONAL INFORMATION

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

CS/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. Oversight, Transparency and Administration Subcommittee: Reported favorably. Now in H. Commerce Committee.

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>

- H. Oversight, Transparency and Accountability Committee: An amendment making minor technical changes is adopted. Reported favorably as a committee substitute. Now in H. Local, Federal and Veterans Affairs Subcommittee.

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 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. Amends s. 119.12, F.S. Companion to HB 163. *Sen. Greg Steube (R-Sarasota)*

- Senate: Senator Bradley offered an amendment on third reading. The amendment was adopted, and CS/SB 80 passed the Senate unanimously. As amended, CS/SB 80 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 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 causing a violation of the law or for frivolous purpose. Stipulates that the public records law does not allow monetary damages. Now in House Messages.

SECURITY

CS/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. Oversight, Transparency and Administration Subcommittee: Reported favorably. Now in H. Education Committee.

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. Oversight, Transparency and Administration Subcommittee: An amendment allowing access to the exempt plans by court order and a showing of good cause is adopted; reported favorably as a committee substitute. Now in H. Education Committee.

NOTE: Given the amendment, the Foundation is changing its position on CS/HB 1079 to neutral.

TRANSPARENCY

CS/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)*

- H. Appropriations Committee: An amendment adding an appropriation is adopted; reported favorably as a committee substitute. Now in H. Health and Human Services 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.