



LEGISLATIVE REPORT

-
- Current action
- CS** Committee Substitute
- P** Passed both Chambers
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For Period Ending February 16

CRIMINAL JUSTICE and LAW ENFORCEMENT

SB 1142 Expunction/Criminal History Records: Expands current law to allow the expunction of a criminal history record when a person is found not guilty. Amends s. 943.0585, F.S. *Sen. Greg Steube (R-Sarasota)*

- S. Judiciary Committee: A strike all amendment making changes to the list of crimes for which expunction is not allowed is adopted; reported favorably as a committee substitute. Now in the S. Rules Committee.

CS/HB 1317 Exemption/Autopsy Reports: Amends the public record exemption for autopsy videos and audio recordings to create an exemption for autopsy reports and related records that personally identify the deceased held by a medical examiner. Stipulates that such records are subject to disclosure 10 days after the medical examiner has completed the report. Allows access by a surviving spouse or, if no spouse, the surviving parents or legal guardian of the deceased can obtain the report within the 10 day window. Amends s. 406.135, F.S. Similar to SB 1850. *Rep. Kristin Jacobs (D-Coconut Creek)* ☹️

★ To see our letter on HB 1317, click here: <http://bit.ly/2DYI1rS>

- H. Judiciary Committee: Reported favorably by a vote of 16/2, with Reps. Geller and Slosberg voting no. Now in the H. Government Accountability Committee.

CS/SB 1850 Exemption/Autopsy Reports: Amends the public record exemption for autopsy videos and audio recordings to create an exemption for autopsy reports and related records that personally identify the deceased held by a medical examiner. Stipulates that such records are subject to disclosure 10 days after the medical examiner has completed the report. Allows access by a surviving spouse or, if no spouse, the surviving parents or legal guardian of the deceased can obtain the report within the 10 day window. Amends s. 406.135, F.S. Similar to HB 1317. *Sen. Linda Stewart (D-Orlando)* ☹️

★ To see our letter on SB 1850, click here: <http://bit.ly/2EAO55Q>

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

ENVIRONMENT

CS/HB 705 Exemption/Surplus Lands: Creates a public record exemption for the (1) valuation of surplus lands held by a water management district; (2) documents used to form or which pertain to the valuation; and (3) purchase offers. Stipulates that such records are subject to disclosure once a contract for

purchase, exchange, or disposal of the surplus land is approved. Also authorizes the water management district to release the protected records to potential purchasers: (1) during negotiations; (2) during the marketing effort or bidding process associated with the sale; (3) once the conclusions of the value are no longer valid; or (4) when negotiations or marketing efforts are concluded. 😞

Amends s. 373.089, F.S. Similar to SB 808. *Rep. Danny Burgess (R-Zephyrhills)*

★ To see our letter on HB 705, click here: <http://bit.ly/2F13lIO>

- H. Government Accountability Committee: Two amendments are adopted; reported favorably as a committee substitute. As amended, CS/705 creates a public record exemption for the (1) valuation of surplus lands held by a water management district; (2) documents used to form or which pertain to the valuation; and (3) purchase offers. Stipulates that such records are subject to disclosure two weeks before the contract or agreement regarding the purchase, exchange, or disposal of the surplus land is first considered. Allows a district to disclose exempt valuations and valuation information to potential purchasers under certain, specified conditions. Now on the House Calendar.

NOTE: The amendment adopted in committee this week addresses concerns raised by the First Amendment Foundation and our position on HB 705 as amended is now neutral.

CS/SB 808 Exemption/Surplus Lands: Creates a public record exemption for the (1) valuation of surplus lands held by a water management district; (2) documents used to form or which pertain to the valuation; and (3) purchase offers. Stipulates that such records are subject to disclosure two weeks before the contract or agreement regarding the purchase, exchange, or disposal of the surplus land is first considered. Allows a district to disclose exempt valuations and valuation information to potential purchasers under certain, specified conditions. Amends s. 373.089, F.S. Similar to HB 705. *Sen. Dennis Baxley (R-Lady Lake)*

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

EXAMINATIONS AND INVESTIGATIONS

HB 7019 Exemption/Videotaped Statements of Minors: Expands the exemption identifying information contained in a videotaped statement by a minor who is the victim of certain sexual crimes to include those minors who are victims of child pornography. Amends s. 119.071(2)(j)2.a., F.S. Similar to SB 1216. *H. Criminal Justice Subcommittee*

- House: Passed unanimously. Now in Senate Messages.

HB 7041 OGSR/Ethics – Written Referrals: Reenacts, without modification, public record exemptions for (1) written referrals and related records held by the Ethics Commission, the Governor, FDLE, or state attorneys; and (2) records relating to preliminary investigations of such referrals held by the Commission. Creates an exemption for Commission proceedings at which referrals are discussed or acted upon. Stipulates that the exemptions apply until the complaint is dismissed as legally insufficient, the subject of the referral requests that the records be made public, the Commission determines it will not investigate the referral, or when probable cause is determined. Reenacts s. 112.324(2), F.S. *H. Oversight, Transparency and Administration Subcommittee*

- House: Passed unanimously. Now in Senate Messages.

HB 7075 OGSR/Investigations – Complaints of Employee Misconduct: Reenacts without modification complaints of misconduct filed against a public employee, as well as all information obtained while

investigating such complaints. Stipulates that the exemption expires once the investigation ceases to be active or until the agency provides the employee with written notice that it has concluded the investigation. Reenacts s. 119.071(2)(k)1., F.S. Similar to SB 7018. *H. Oversight, Transparency and Administration Subcommittee*

HB 7077 OGSR/Investigations – Complaints of Employee Misconduct: Reenacts without modification complaints of misconduct filed against a public employee, as well as all information obtained while investigating such complaints. Stipulates that the exemption expires once the investigation ceases to be active or until the agency provides the employee with written notice that it has concluded the investigation. Reenacts s. 119.071(2)(k)1., F.S. Similar to SB 7018. *H. Oversight, Transparency and Administration Subcommittee*

FINANCIAL INFORMATION

HB 7075 OGSR/OFR - Financial Regulation Payments: The Office of Financial Regulation (OFR) is required to maintain payment instrument transaction information in a centralized database. HB 7075 reenacts a public record exemption for payment transaction information that identifies a licensee, payor, payee, or conductor contained in the database held by OFR, and amends the exemption to allow OFR to release payment instrument transaction data in the aggregate. “Payment instrument” is statutorily defined as “a check, draft, warrant, money order, travelers check, electronic instrument, or other instrument, payment of money, or monetary value whether or not negotiable.” Reenacts and amends s. 560.312, F.S. Similar to SB 7010. *H. Oversight, Transparency and Administration Subcommittee*

HOME ADDRESSES

CS/HB 417 Exemption/Home Addresses – Child Advocacy Personnel: Creates a public record exemption for the home addresses, telephone numbers, dates of birth, places of employment, and photographs of current or former directors, managers, supervisors and clinical employees of a child advocacy center and the members of a child protection team. Also creates an exemption for the names, home addresses, telephone numbers, dates of birth, and places of employment of a public guardian’s spouse and children, and the names and locations of schools and day care facilities attended by their children. Creates s. 119.071(4)(2)s., F.S. Similar to SB 1212. *Rep. Evan Jenne (D-Hollywood) ???*

- House: A minor amendment is adopted; passed unanimously as amended. Now in Senate Messages.

SB 1364 Exemption/Home Addresses – Substance Abuse Providers: Creates a public record exemption for the home addresses, telephone numbers, dates of birth, places of employment, social security numbers, and photographs of current or former directors, managers, supervisors, nurses and clinical employees of a substance abuse service provider licensed under ch. 397, F.S. Also creates an exemption for the names, home addresses, telephone numbers, dates of birth, and places of employment of a public guardian’s spouse and children, and the names and locations of schools and day care facilities attended by their children. Creates s. 119.071(4)(2)s., F.S. Similar to HB 1055.

Sen. Kevin Rader (D-Boca Raton) ???

- S. Health Policy Committee: An amendment deleting the exemption for social security numbers is adopted. Reported favorably by a vote of 7/1, with Senator Hukill voting no. Now in S. Governmental Oversight and Accountability Committee.

PROPRIETARY INFORMATION

HB 7081 Exemption/Department of Lottery: Currently, s. 24.105(12), F.S., allows the Department of Lottery (DOL) to decide by rule which of its records will be exempt from public disclosure. HB 7081 repeals that authority and transfers – but does not expand – all exemptions found in the DOL to a newly created s. 25.1051. Those transferred exemptions include (1) information related to the security or integrity of the department; (2) information about lottery games and terminals or devices that issue tickets; (3) information that must be protected pursuant to a multistate lottery association or game; (4) personal identifying information contained in background investigations of potential retailers or vendors; (5) financial information provided to the DOL that is not publicly available, stipulating, however, that all financial information related to any contract is *not* exempt; and (1) the street address and telephone number of a lottery winner. Transfers and renumbers s. 24.105(12); creates s. 24.1051. *H. Government Accountability Committee*

PUBLIC RECORDS

SB 750 Public Records – Civil Actions: Prohibits an agency receiving a public record request from responding to the request by filing a civil action against the requestor. Amends s. 119.07(1), F.S. Companion to HB 273. *Sen. Keith Perry (R-Gainesville)* 😊

- S. Judiciary Committee: Failed on a tied vote, with Senators Bracy, Bradley, Gibson, Powell, Thurston voting no. Senator Bradley then made a motion to temporarily postpone the vote. The bill was temporarily postponed and remains in the S. Judiciary Committee.

PUBLIC SAFETY AND SECURITY

HB 411 Exemption/Firesafety System Plans: Expands the public record exemption for security system plans to also exempt firesafety system plans. Also expands the exemption for portions of meetings at which security system plans are discussed to allow closure of portions of meetings at which firesafety system plans are discussed. Amends ss. 119.071(3)(a); 281.301; and 286.0113(1), F.S. Similar to SB 738. *Rep. Joe Gruters (R-Sarasota)*

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

CS/HB 551 Exemption/Health Care Facilities: Expands the security exemption for specified facilities, developments, and complexes to include health care facilities. Amends s. 119.071(3)(c), F.S. Similar to SB 906. *Rep. Colleen Burton (R-Lakeland)*

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

SB 988 Exemption/First Responder Network: Creates a public record exemption for information obtained by an agency from the First Responder Network Authority and information relating to the Nationwide Public Safety Broadband Network established by federal law. Contains definitions. Similar to HB 755. *Sen. Keith Perry (R-Gainesville)*

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

SB 738 Exemption/Firesafety System Plans: Expands the public record exemption for security system plans to also exempt firesafety system plans. Also expands the exemption for portions of meetings at which security system plans are discussed to allow closure of portions of meetings at which firesafety

system plans are discussed. Amends ss. 119.071(3)(a); 281.301; and 286.0113(1), F.S. Companion to HB 411. *Sen. Keith Perry (R-Gainesville)*

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

CS/HB 755 Exemption/First Responder Network: Creates a public record exemption for information relating to the Nationwide Public Broadband Network established by federal law if release of such information would reveal (1) the design, development, construction, deployment, and operation of network facilities; (2) network coverage; (3) features, functions, and capabilities of network devices; and (4) security of the design, construction, and operation of the network and associated services and products. Contains definitions. Creates s. 119.071(3)(d), F.S. Similar to SB 988. *Rep. Jayer Williamson (R-Pace)*

- House: Passed unanimously. Now in Senate Messages.

HB 1127 Exemption/Citizens Property Insurance Corporation: Creates a public record exemption for data and information from technology systems owned or maintained by Citizens Property Insurance Corporation, including: (1) records that identity detection, investigation, or response practices for suspected or confirmed information technology security incidents and (2) portions of risk assessments, evaluations, audits, and other reports of the corporation's information technology resources if disclosure of such information would facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of data or information or information technology resources. Also creates an exemption for those portions of meetings at which exempt information is discussed, requiring that closed meetings be recorded and transcribed. Finally, creates a public record exemption for such recordings and transcripts, allowing access under certain conditions, including a court order. Creates s. 627.352, F.S. Similar to SB 1880. *Rep. Larry Lee Jr. (D-Fort Pierce)*

- H. Government Accountability Committee: An amendment making the exemption retroactive is adopted. Reported favorably as a committee substitute. Now on the House Calendar.

SB 1880 Exemption/Citizens Property Insurance Corporation: Creates a public record exemption for data and information from technology systems owned or maintained by Citizens Property Insurance Corporation, including: (1) records that identity detection, investigation, or response practices for suspected or confirmed information technology security incidents and (2) portions of risk assessments, evaluations, audits, and other reports of the corporation's information technology resources if disclosure of such information would facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of data or information or information technology resources. Also creates an exemption for those portions of meetings at which exempt information is discussed, requiring that closed meetings be recorded and transcribed. Finally, creates a public record exemption for such recordings and transcripts, allowing access under certain conditions, including a court order. Creates s. 627.352, F.S. Similar to HB 1127. *Sen. Doug Broxson (R-Pensacola)*

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

HB 7079 Exemption/Personal Information – Disaster Response: Creates a public record exemption for the name, address, and telephone number of a person using a public shelter during an emergency. Also creates an exemption for the name, address, and telephone number of a homeowner or tenant held by an agency for the purpose of providing or receiving damage assessment data following a disaster. Creates ss. 252.385(5) and 252.64. *H. Oversight, Transparency and Administration Subcommittee*

TRANSPARENCY

HB 7057 Budget Transparency: Requires all entities created by general law that are not subject to the legislative appropriations process to prepare and approve an operating budget each fiscal year consistent with the requirements under ch. 216, F.S. Stipulates that each entity's operating budget and all amendments be approved at a public meeting at least 10 day prior to the day the budget takes effect and posted to the entity's website at the time notice of the meeting is given. HB 7057 also contains specific requirements for posting of budgets, amendments, expenditure data, salary information, revenue received and amounts disbursed, and fixed capital outlay project data. Also requires posting of links to state audits or reports and program descriptions, all contracts and amendments executed by the entity, and video recordings and minutes of each meeting where the entity's budget is discussed. Creates s. 215.9851, F.S. Similar to SB 1588. *H. Oversight, Transparency and Administration Subcommittee* 😊

- H. Appropriations Committee: An amendment stipulating that statewide entities created by general law or the State Constitution are subject to the new requirements but direct support organizations are not is adopted. Reported favorably as a committee substitute. Now in the H. Government Accountability Committee.

HB 7071 Criminal Justice Data Transparency: In pertinent part, requires the Florida Department of Law Enforcement to compile, maintain, and make certain criminal justice data publicly available and readily usable. Creates a pilot project to improve criminal justice data transparency and compliance standards. Creates 900.05, F.S. *H. Judiciary Committee*

- H. Justice Appropriations Subcommittee: Two minor amendments are adopted; reported favorably as a committee substitute. Now on the House Calendar.

VOTER INFORMATION

SB 532 Exemption/Voters and Voter Registration: 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. *Sen. Tom Lee (R-Brandon)*

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