

## LEGISLATIVE REPORT

---

•	Current action
CS	Committee Substitute
P	Passed both Chambers

---

**For Period Ending March 8**

## COURT RECORDS

**SB 980 Exemption/Petitions for Protective Injunctions:** Creates a public record exemption for all information contained in petitions for injunctions against domestic violence, repeat violence, dating violence, sexual violence, stalking, or cyberstalking, including all affidavits, notices of hearings, and temporary injunctions, until the respondent has been served. Amends S. 119.0714, F.S. Companion to HB 845. *Sen. Gayle Harrell (R-Stuart)*

★ To see our letter on SB 980, click here: <https://bit.ly/2TGoB0w>

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

**HB 1397 Exemption/Minor's Petition to Waive Consent – Abortions:** Expands the public record exemption for identifying information of minors seeking a judicial waiver of notice requirements under the Parental Consent Abortion Act to also exempt such information of consent requirements. Amends s. 390.01116, F.S. Companion to SB 1778. *Rep. Erin Grall (R-Vero Beach)*

**SB 1778 Exemption/Minor's Petition to Waive Consent – Abortions:** Creates a public record for identifying information of minors seeking a judicial waiver of consent requirements under the Parental Consent for Abortion Act. Creates s. 390.01118, F.S. Companion to HB 1397. *Sen. Kelli Stargel (R-Lakeland)*

**HB 7025 OGSR/Treatment-Based Drug Court Programs:** Reenacts without modification the public record exemption for information relating to participants in treatment-based drug court programs, as well as persons considered for treatment. The exemption applies to such information in initial screening records; substance abuse screening records; behavioral health evaluations; and treatment status reports. Reenacts s. 397.334(10), F.S. Companion to SB 7010. *H. Oversight, Transparency and Public Management Subcommittee*

- H. Criminal Justice Subcommittee: Reported favorably. Now on the House Calendar.

## CRIMINAL JUSTICE and LAW ENFORCEMENT

**SB 186 Exemption/Photographs and Videos Depicting Victims of Mass Violence:** Creates a public record exemption for photographs, videos or audio recordings that depict the killing of a victim of mass violence. Defines “killing of a victim of mass violence” as “all acts or events that cause or otherwise related to the death of a person, not including the perpetrator, who is killed in an incident in which three or more people, not including the perpetrator, are killed by an intentional act of violence by another person.” Allows access by

court order upon a showing of good cause. Amends s. 119.071(2)(p), F.S. Companion to HB 7017. *Sen. Tom Lee (R-Brandon)*

★ To see our letter on SB 186, click here: <https://bit.ly/2GPnzth>

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

**Bills to Watch:** SB 186 and HB 7017 (see below) were filed in direct response to the Parkland school shootings. You'll note that the proposed exemption, while very broad, allows access to the protected records by court order upon a showing of good cause. The problem is the cost of getting a court order -- a media consortium paid \$100,000 in legal fees to get access to video taken outside Marjorie Stoneman Douglas High School. Our letters cite examples of what was learned from those videos and the importance of allowing public oversight of law enforcement's response. FAF is working with Senator Lee on a possible amendment to narrow the proposed exemption.

**HB 1201 Exemption/Autopsy Reports:** Expands the public record exemption for autopsy photographs, videos, and audio recordings to also exempt autopsy reports held by a medical examiner that personally identify the deceased. Allows access to the autopsy report 10 days after the medical examiner completes the report. Amends s. 406.135, F.S. *Sen. Kristin Jacobs (D-Coconut Creek)*

★ To see our letter on HB 1201, click here: <https://bit.ly/2TjbQtu>

**HB 7017 Exemption/Photographs and Videos Depicting the Victims of Mass Violence:** Creates a public record exemption for photographs, videos or audio recordings that depict the killing of a victim of mass violence. Defines "killing of a victim of mass violence" as "all acts or events that cause or otherwise related to the death of a person, not including the perpetrator, who is killed in an incident in which three or more people, not including the perpetrator, are killed by an intentional act of violence by another person." Allows access by court order upon a showing of good cause. Amends s. 119.071(2)(p), F.S. Companion to SB 186. *H. Oversight, Transparency and Public Management Subcommittee*

★ To see our letter on HB 7017, click here: <https://bit.ly/2EhJohm>

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

**Bills to Watch:** SB 186 and HB 7017 were filed in direct response to the Parkland school shootings. You'll note that the proposed exemption, while very broad, allows access to the protected records by court order upon a showing of good cause. The problem is the cost of getting a court order -- a media consortium paid \$100,000 in legal fees to get access to video taken outside Marjorie Stoneman Douglas High School. Our letters cite examples of what was learned from those videos and the importance of allowing public oversight of law enforcement's response. FAF is working with Senator Lee on a possible amendment to narrow the proposed exemption.

**SB 966 Expungement – Juvenile Diversion Program:** Current law requires the Florida Department of Law Enforcement to adopt rules providing for the expunction of arrest records of those minors who successfully complete a diversion program for misdemeanor offenses. SB 966 deletes the reference to misdemeanor offenses, allowing for the expunction of arrest records of minors successfully completing a diversion program. Amends s. 943.0582, F.S. *Sen. Keith Perry (R-Gainesville)* WATCH

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

## EXAMINATIONS AND INVESTIGATIONS

**SB 236 Exemption/Sexual Harassment:** Sections 112.324(2)(a)-(c), F.S., provide public record exemptions for complaints, records, and proceedings related to investigations by an ethics commission. Section 112.324(e) allows the subject of the complaint to request in writing that the records and proceedings be made public. SB 236:

- creates an exception to (e), stipulating that complaints or referrals involving allegations of sexual harassment, sexual favors, or sexual misconduct *cannot* be made public;
- creates s. 112.324(f), providing a public record for the personal identifying information of an alleged victim of sexual harassment or sexual misconduct, as well as any information that could assist in identifying an alleged victim;
- specifies that such information cannot be disclosed during proceedings open to the public;
- amends the current exemption for personal identifying information of sexual harassment victims under s. 119.0-71(2)(n) to provide an exemption for complaints, referrals, and reports alleging sexual harassment or sexual misconduct, and all related records held by an agency until:
  - the agency determines it will not investigate the allegation;
  - the agency takes disciplinary action against the subject of the allegation; or
  - a probable cause determination is made.
- stipulates that all personal identifying information of the alleged victim, or any information that could assist in determining the identity of the victim, remains exempt but allows access by the parties to the allegation; and
- creates an exemption for portions of meetings that would reveal any records involving an allegation of sexual harassment or sexual misconduct.

Amends ss. 112.324(2); 119.071(2)(n); and s. 286.0113. *Sen. Lauren Book (D-Plantation)*

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

**HB 7033 OGSR/Family Trust Companies – Office of Financial Regulation:** Reenacts, without modification, public record exemptions for certain records relating to family trust companies held by the Office of Financial Regulation (OFR), including: personal identifying information contained in (1) records relating to a registration, application, or annual certification; (2) examinations of family trusts; and (3) reports of examinations, operations, or conditions, including working papers; (4) lists of names of shareholders or members; (5) information received by OFR that is otherwise confidential or exempt; and (6) emergency cease and desist orders, until the order is made permanent. Allows disclosure under certain, specified conditions, stipulating that publication of the name of the family trust company and the name and address of the trust's registered agent isn't prohibited. Also stipulates that willful disclosure of this information is a third-degree felony. Reenacts s. 662.148, F.S. Companion to SB 7056. *H. Oversight, Transparency and Public Management Subcommittee*

★ To see our letter on HB 7033, click here: <https://bit.ly/2JiKmX>

- H. Insurance and Banking Subcommittee: Reported favorably. Now in H. State Affairs Committee.

## HOME ADDRESSES

**HB 203 Exemption/Home Addresses:** Creates a definition of "home address" which applies to all home address exemptions under s. 119.071(4)(d), F.S. As defined, home address includes not only the physical address, mailing address, and street address, but also all parcel identification numbers, plot identification numbers, legal property descriptions, neighborhood and lot numbers, GPS coordinates, and other property

descriptive information that may reveal a home address. Allows an employee or officer to submit a written request to the custodial agency authorizing release of exempt information, stipulating that the request must specify the information to be released and the party authorized to receive the information. Amends s. 119.071(4)(d), F.S. Companion to SB 248. *Sen. Ardian Zika (R-Land O'Lakes)*

★ To see our letter on HB 203, click here: <https://bit.ly/2BXBdGG>

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

**SB 248 Exemption/Home Addresses:** Creates a definition of “home address” which applies to all home address exemptions under s. 119.071(4)(d), F.S. As defined, home address includes not only the physical address, mailing address, and street address, but also all parcel identification numbers, plot identification numbers, legal property descriptions, neighborhood and lot numbers, GPS coordinates, and other property descriptive information that may reveal a home address. Amends s. 119.071(4)(d), F.S. Companion to HB 203. *Sen. Ed Hooper (R-Palm Harbor)*

★ To see our letter on SB 248, click here: <https://bit.ly/2BYrv6Z>

- S. Governmental Oversight and Accountability Committee: An amendment allowing an employee or officer to submit a written request to the custodial agency authorizing release of exempt information, stipulating that the request must specify the information to be released and the party authorized to receive the information. Reported favorably as a committee substitute. Now in S. Rules Committee.

**HB 635 Exemption/Home Addresses – Judicial Assistants:** Creates a public record exemption for the home addresses, dates of birth, and telephone numbers of current or former judicial assistants and their families, as well as the names and locations of schools and day care facilities attended by their children and their spouse’s place of employment. Amends s. 119.071(4)(d)2.e., F.S. Companion to SB 746. *Rep. Elizabeth Fetterhoff (R-DeLand)*

- H. Civil Justice Subcommittee: Reported favorably. Now in H. Oversight, Transparency and Public Management Subcommittee.

**SB 746 Exemption/Home Addresses – Judicial Assistants:** Creates a public record exemption for the home addresses, dates of birth, and telephone numbers of current or former judicial assistants and their families, as well as the names and locations of schools and day care facilities attended by their children and their spouse’s place of employment. Amends s. 119.071(4)(d)2.e., F.S. Companion to HB 635. *Sen. Tom Wright (R-Port Orange)*

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

**SB 1796 Exemption/Home Addresses – Commission on Offender Review and School Administrators:** Creates a public record exemption for the home addresses, telephone numbers, dates of birth, and photographs of current or former commissioners and investigators of the Commission on Offender Review and their families, as well as the names and locations of schools and day care facilities attended by their children and their spouse’s place of employment. Also creates a public record exemption for the home addresses, dates of birth, and telephone numbers of school administrators and their families, as well as the names and locations of schools and day care facilities attended by their children and their spouse’s place of employment. Creates ss. 119.071(4)(d)2.u. and v., F.S. *Sen. Keith Perry (R-Gainesville)*

**HB 7009 OGSR/Department of Health – Home Addresses:** Reenacts without modification the public record exemption for the home addresses, telephone numbers, dates of birth, and photographs of current or former Department of Health (DOH) personnel whose duties include the investigation or prosecution of complaints

filed against health care practitioners, the inspection of licensed facilities, or the determination or adjudication of eligibility for social security benefits. Also exempts the names, home addresses, telephone numbers, 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. Reenacts s. 119.071(4)(d)2.o., F.S. Companion to SB 7004. *H. Oversight, Transparency and Public Management Subcommittee*

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

## MEDICAL RECORDS

**HB 1347 Exemption/Physician Abortion Reports:** HB 1345 creates the “Florida Pain-Capable Unborn Child Protection Act,” prohibiting abortions in certain circumstances and requiring physicians who perform abortions to report certain specified information to the Department of Health. HB 1347 creates a public record exemption for those reports. Creates s. 390.305, F.S. Companion to SB 560. *Rep. Tommy Gregory (R-Bradenton)*

## PERSONAL INFORMATION

**CS/HB 591 Exemption/Public Utility Records:** Creates a public record exemption for smart meter-derived data and billing information in less than one billing cycle. Creates s. 119.0713(5)(a)3., F.S. Companion to SB 600. *Rep. Clay Yarborough (R-Jacksonville)*

- H. Oversight, Transparency and Public Management Subcommittee: Reported favorably. Now in H. Commerce Committee.

**SB 600 Exemption/Public Utility Records:** Creates a public record exemption for smart meter-derived data and billing information in less than one billing cycle. Creates s. 119.0713(5)(a)3., F.S. Companion to HB 591. *Sen. Audrey Gibson (D-Jacksonville)*

★ To see our letter on SB 600, click here: <https://bit.ly/2EWZI8T>

- S. Innovation, Industry and Technology Committee: A strike-all amendment making technical changes to the constitutionally-required statement of public necessity is adopted. Reported favorably as a committee substitute. Now in S. Governmental Oversight and Accountability Committee.

**NOTE:** The amendment adopted by the S. Innovation Committee addresses concerns raised by FAF and our position is now neutral.

**HB 1249 Exemption/Foster Parents and Foster Parent Applicants - Names:** Expands the public record exemption for the home, business, work, child care or school addresses and telephone numbers, birth dates, medical record, floor plans of homes and photographs of foster parent and foster parent applicants and their families to also exempt the names of such persons. Amends s. 409.175(16), F.S. Companion to SB 1622. *Rep. Toby Overdorf (R-Stuart)*

→ **SB 1622 Exemption/Foster Parents and Foster Parent Applicants - Names:** Companion to HB 1249. *Sen. Bill Montford (D-Tallahassee)*

**HB 7007 OGSR/Toll Facilities – Personal Identifying Information:** Reenacts without modification the public record exemption for personal identifying information held by the Department of Transportation (DOT), a county, a municipality, or an expressway authority for the purpose of paying, prepaying, or collecting tolls. Reenacts s. 338.155(6), F.S. Companion to SB 7036. *H. Oversight, Transparency and Public Management Subcommittee*

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

**SB 7034 OGSR/Automated License Plate Recognition Systems – Personal Identifying Information:** Reenacts without modification the public record exemption for images and data containing or providing personal identifying information obtained through the use of an automated license plate recognition system, as well as personal identifying information in data generated or resulting from images obtained through the use of such systems. Allows disclosure of the exempt information to a criminal justice agency under certain circumstances, and to the person to whom the vehicle is registered, unless the information constitutes active criminal investigative information. Reenacts s. 316.0777, F.S. Companion to HB 7037. *S. Infrastructure and Security Committee*

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

**SB 7036 OGSR/Toll Facilities – Personal Identifying Information:** Reenacts without modification the public record exemption for personal identifying information held by the Department of Transportation (DOT), a county, a municipality, or an expressway authority for the purpose of paying, prepaying, or collecting tolls. Reenacts s. 338.155(6), F.S. Companion to HB 7007. *S. Infrastructure and Security Committee*

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

**HB 7059 OGSR/Personal Identifying Information – Concealed Weapon Permits:** Reenacts without modification the public record exemption for personal identifying information of those who have applied for a concealed weapons permit held by a tax collector. Reenacts s. 790.0601, F.S. Companion to SB 7044. *H. Oversight, Transparency and Public Management Subcommittee*

## PROPRIETARY INFORMATION

**HB 761 Exemption/Trade Secrets:** Creates a public record exemption for trade secrets held by any agency. “Trade secret” is defined in s. 688.022, F.S., as “information, including a formula, pattern, complication, program, device, method, technique, or process” that is (1) of economic value in that it is not generally known and is not readily ascertainable; and (2) the subject to reasonable efforts to maintain its secrecy. HB 761 stipulates that contracts or agreements to which an agency is a party and financial information related to such contracts or agreements are *not* a trade secret. Creates s. 688.01, F.S. Companion to SB 1414. *Rep. Ralph Massullo, Jr. (R-Beverly Hills)*

- H. Oversight, Transparency and Public Management Subcommittee: Reported favorably. Now in H. Commerce Committee.

## PUBLIC RECORDS

**HB 759 Public Records – Agency Contracts:** In pertinent part, stipulates that (1) contracts or agreements to which an agency or entity subject to Ch. 119 is a party; and (2) financial information related to such contracts or agreements, including the amount of money paid, payment structures or plans, expenditures, incentives, fees, or penalties, are public records subject to disclosure. Repeals s. 815.045, F.S. Creates s. 119.07135, F.S. Companion to SB 1416. *Rep. Ralph Massullo, Jr. (R-Beverly Hills)*

- H. Oversight, Transparency and Public Management Subcommittee: Reported favorably. Now in H. Commerce Committee.



[Bills to Watch: Remember when we had SO much trouble getting access to PitBull's contract with Visit Florida? We simply wanted to know how much Visit Florida was paying PitBull. It took the intervention of House Speaker Corcoran to get the contract. This bill was introduced last year and passed the House. Unfortunately, it got caught up in session politics and failed to pass the Senate. Hopefully, that won't happen this session – these are our tax dollars and we have a right to know how our money is being spent.](#)

## PUBLIC SAFETY AND SECURITY

**CS/HB 327 Exemption/Public Utilities:** Section 119.0713(5), F.S., provides a public record exemption for information related to the security of a public utility's information technology systems. CS/HB 327 creates an exemption for portions of meetings at which such information is discussed, stipulating that closed meetings be recorded. Creates a public record exemption for the recordings of closed meetings and allowing access if a court determines the meeting was not restricted to the discussion of exempt information. Creates s. 286.0113(3), F.S. Companion to SB 450. *Rep. Tracie Davis (D-Jacksonville)*

- H. Oversight, Transparency and Public Management Subcommittee: An amendment to the constitutionally-required statement of public necessity is adopted; reported favorably as a committee substitute. Now in the H. Commerce Committee.

**SB 450 Exemption/Public Utilities:** Section 119.0713(5), F.S., provides a public record exemption for information related to the security of a public utility's information technology systems. SB 450 creates an exemption for portions of meetings at which such information is discussed. Creates s. 286.0113(3), F.S. Companion to HB 327. *Sen. Audrey Gibson (D-Jacksonville)*

★ To see our letter on SB 450, click here: <https://bit.ly/2XLJ7fB>

- S. Innovation, Industry and Technology Committee: Two amendments are adopted; reported favorably as a committee substitute. As amended, CS/SB 450 creates an exemption for portions of meetings at which information exempt under s. 119.0713(5), F.S., is discussed, stipulating that closed meetings be recorded. Creates a public record exemption for the recordings of closed meetings and access if a court determines the meeting was not restricted to the discussion of exempt information. Now in S. Governmental Oversight and Accountability Committee.

**NOTE:** The amendment adopted by the S. Innovation Committee addresses concerns raised by FAF and our position is now neutral.

**SB 7032 OGSR/Emergency Planning:** Reenacts without modification the public record exemption for information furnished by a person or business to the Division of Emergency Management for emergency planning purposes. Reenacts s. 252.905, F.S. Companion to HB 7011. *S. Infrastructure and Security*

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

## SOCIAL WELFARE

**HB 7003 OGSR/Alzheimer's Disease Research Grant Advisory Board:** Reenacts without modification the public record exemption for applications provided to the Alzheimer's Disease Research Grant Advisory Board within the Department of Health for Alzheimer's disease research grants, and all records generated by the board relating to review of such applications. Also reenacts the exemption for those portions of board meetings during which grant applications are discussed, requiring that closed meetings be recorded and that the recording is subject to the same public record exemptions as outlined above. Final recommendations of

the board are subject to disclosure. Reenacts s. 381.82, F.S. Companion to SB 7002. *H. Oversight, Transparency and Public Management Subcommittee*

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

» «

*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. Check our website, [www.floridafaf.org](http://www.floridafaf.org), for current legislative report.*