



2018 LEGISLATIVE REVIEW: PRE-SESSION REPORT

The following is a list of the bills we will be tracking throughout the 2018 Legislative Session. As usual, we have selected those bills with open government and first amendment implications we think will be of interest to our members. After the summary of each open government bill, you will find an easily recognizable indication of whether the bill is good or bad. Under this reporting system, 😊 = **Good** and 😞 = **Bad**. Those bills that are neither good nor bad will not be marked. If we're **not sure** of a bill, it will be marked with **???**. During session, we will report any activity on these bills, as well as any new legislation that may be filed, on a weekly basis. Bills are grouped by subject matter, listed in numerical order. We suggest you keep this pre-session report, as the weekly reports may not contain a complete description of all the bills. Our legislative reports are accessible on our website, www.floridafaf.org.

Open Government Sunset Review (OGSR): Under the Open Government Sunset Review Act of 1995, all exemptions to the Sunshine Law and Public Records Law must be reviewed and reenacted by the Legislature five years after the date of enactment, or the exemption will automatically “sunset”. The 2018 Legislature will be reviewing all exemptions created in 2013. Those bills will be included in our legislative reports and are designated “OGSR”.

Bills to Watch: This feature will appear in all reports throughout session. After the analyses of those bills we think deserve extra attention, we will include a brief statement about the impact of the proposed legislation, good or bad.

COURT RECORDS

SB 340 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. 787.065, F.S. *Sen. Randolph Bracy (D-Ocoee)*

HB 507 Exemption/Email Addresses – Judges and Justices: 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. Similar to SB 1202. *Rep. Sean Shaw (D-Tampa)* 😞

★ To see our letter on HB 507, click here: <http://bit.ly/2CTSAaG>

➔ **SB 1202 Exemption/Email Addresses – Judges and Justices**: Companion to HB 507. *Sen. Darryl Rouson (D-St. Petersburg)* 😞

★ To see our letter on SB 1202, click here: <http://bit.ly/2AwVXRv>

SB 7004 OGSR/Victims of Violence: Reenacts, without modification, public record exemptions for the home and employment telephone numbers, cell phone numbers, home or employment addresses, 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)5.b. and 784.046(8)(c)5.b., F.S. *S. Judiciary*

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

CRIMINAL JUSTICE and LAW ENFORCEMENT

HB 173 Exemption/Juveniles – Destruction of Wrongful Arrest Records: Creates the Eric Banks Act, requiring the Florida Department of Law Enforcement (FDLE) to adopt rules requiring the destruction of nonjudicial arrest records of anyone under the age of 21 if the arrest was a made contrary by law or by mistake. Creates s. 943.05815, F.S. *Rep. Kimberly Daniels (D-Jacksonville)*

- Withdrawn from consideration.

HB 195 Data Collection/Department of Juvenile Justice: Requires the Department of Juvenile Justice (DJJ) to collect certain specified data relating to children who qualify to be prosecuted as adults and children who are transferred for criminal prosecution as an adult beginning March 1, 2019. Requires DJJ to work with the Office of Program Policy Analysis and Government Accountability to generate a report analyzing the collected data and to provide the report to the Governor, the Senate President, and the House Speaker. Amends s. 985.557. Companion to SB 288. *Rep. Emily Slosberg (D-Delray Beach) WATCH*

→ **SB 288 Data Collection/Department of Juvenile Justice:** Companion to HB 195. *Sen. Randolph Bracy (D-Ocoee) WATCH*

SB 246 Crime Reports: Requires the Criminal Justice Information Program to establish, implement, and maintain a system for submitting annual reports to the Federal Bureau of Investigation. Such reports must include statistics for the previous calendar year on crime in Florida, including the types of crimes reported, numbers of offenders, arrests, victims, and data on gun-related homicides. Creates s. 943.05(2)(i), F.S. *Sen. Gary Farmer (D-Fort Lauderdale) WATCH*

SB 298 Expunction of Criminal History Records: Expands current expunction provisions to allow expunction of a criminal history record by those who have been found not guilty of specified misdemeanors in the past 10 years or were acquitted or found not guilty at trial. Amends s. 943.0585, F.S. *Sen. Randolph Bracy (D- Ocoee)*

- S. Criminal Justice Committee: Two clarifying amendments were adopted; reported favorably as a committee substitute by a vote of 4/3, with Sens. Bradley, Grimsley, and Baxley voting no. Now in S. Judiciary Committee.

HB 349 Exemption/Juvenile Offenders: The Criminal Justice Information Program keeps criminal history records of minors classified as serious or habitual juvenile offenders. HB 349 creates a public record

exemption for those criminal history records. Amends s. 943.0515, F.S. Similar to SB 598. *Rep. Al Jacquet (D-West Palm Beach)*

→ **SB 598 Exemption/Juvenile Offenders:** Companion to HB 349. *Sen. Perry Thurston (D-Fort Lauderdale)*

SB 466 Presentencing Information: Requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to study the presentencing information provided to Florida judges and examine alternatives. A report of OPPAGA's finding is due October 1, 2018. *Sen. Randolph Bracy (D-Ocoee)*

HB 653 Exemption/Photographs and Videos Depicting the Killing of a Person: Reenacts the public record exemption amended and narrowed last session for photographs, videos, or audio recordings depicting or recording the "killing of a person," defined as "all acts or events that cause or otherwise relate to the death of any human being, including any related acts or events immediately preceding or subsequent to the acts or events that were the proximate cause of death." Reenacts s. 406.136, F.S. Companion to SB 1178. *Rep. Kamia Brown (D-Ocoee)* ☹️

★ To see our letter on HB 653, click here: <http://bit.ly/2CqiQJH>

→ **SB 1178 Exemption/Photographs and Videos Depicting the Killing of a Person:** Companion to HB 653. *Sen. Randolph Bracy (D-Ocoee)* ☹️

★ To see our letter on SB 1178, click here: <http://bit.ly/2lkg0hM>

Bills to Watch: The exemption for photographs and videos depicting the killing of a person was subject to sunset review during the 2016 Session. Sen. Rob Bradley was able to narrow the exemption so that it protected only those photographs and videos depicting the killing of a law enforcement officer while on active duty, which was the original stated purpose of the legislation. HB 653 and SB 1178 reverse Bradley's good amendment, reverting back to the overbroad exemption. This is bad public policy and we've requested that Rep. Brown and Sen. Bracy withdraw their bills from consideration.

SB 690 Criminal History Records: Requires the Criminal Justice Information Program to administratively seal criminal history records of adults or minors charged with felonies or misdemeanors upon notification by a clerk of court that charges: were not filed; were dismissed before trial; or resulted in an acquittal or a verdict of not guilty, regardless of any prior criminal convictions. Creates s. 943.0586, F.S. *Sen. Jeff Brandes (R-St. Petersburg)* ???

SB 692 Exemption/Sealed Criminal History Records: Expands the public record exemption for judicially sealed criminal history records to include administratively sealed records. Amends s. 943.059(4), F.S. *Sen. Jeff Brandes (R-St. Petersburg)* ???

SB 860 Criminal History Records - Minors: Requires the Criminal Justice Information Program to administratively seal the criminal history records of minors charged with a felony or misdemeanor upon notification by a clerk of court that charges: were not filed; were dismissed before trial; or resulted in an acquittal or a verdict of not guilty, regardless of any prior criminal convictions. Creates s. 943.0586, F.S. Similar to HB 919. *Sen. Randolph Bracy (D-Ocoee)* ???

→ **HB 919 Criminal History Records – Minors:** Companion to SB 860. *Sen. Kamia Brown (D-Ocoee)* ???

SB 862 Exemption/Sealed Criminal History Records – Minors: Expands the public record exemption for judicially sealed criminal history records to include a minor’s administratively sealed records. Amends s. 943.059(4), F.S. Similar to HB 921. *Sen. Randolph Bracy (D-Ocoee)* ???

→ **HB 921 Exemption/Sealed Criminal History Records – Minors:** Companion to SB 862. *Rep. Kamia Brown (D-Ocoee)* ???

HB 929 Recordings – Custodial Interrogations: Stipulates that a custodial interrogation, including the issuance of required warnings, advice regarding the rights of the person being questioned, and the waiver of rights by such persons, conducted at a detention center must be electronically recorded in its entirety under certain conditions. Provides exceptions. Creates s. 925.13, F.S. *Rep. Sharon Pritchett (D-Miramar)*

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)*

HB 1199 Exemption/Prearrest Diversion Program: HB 1197 allows local communities and educational institutions to adopt prearrest diversion programs allowing law enforcement officers, at their discretion, to issue civil citations 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. HB 1199 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. Stipulates that the exemption does not apply to those who fail to complete the program. Amends s. 901.40, F.S. Similar to SB 1394. *Rep. Larry Ahearn (R-Seminole)*

→ **SB 1394 Exemption/Prearrest Diversion Program:** Companion to HB 1199. *Sen. Jeff Brandes (R-St. Petersburg)*

SB 7000 OGSR/Criminal History Records – Human Trafficking Victims: Reenacts, without modification, the public record exemption for expunged criminal history records of human trafficking victims. Reenacts s. 943.0583(10), F.S. *S. Criminal Justice*

SB 7002 OGSR/Meetings – Criminal Justice Commissions: Reenacts, without modification, the exemption for portions of meetings of a “duly constituted criminal justice commission” during which commissioners discuss active criminal intelligence or investigative information. Reenacts s. 286.01141, F.S. *S. Criminal Justice*

ECONOMIC DEVELOPMENT

HB 343 Exemption/Applications – Florida Motion Picture Capital Corporation: HB 341 creates the Florida Motion Picture Capital Corporation to encourage movie production in Florida by providing financial support for such productions. HB 343 provides a public record exemption for personal financial records, trade secrets, and proprietary information of those applying for financing. Creates s. 288.1259, F.S. Similar to SB 1604. *Rep. David Silvers (D-West Palm Beach)* ???

→ **SB 1604 Exemption/Applications – Florida Motion Picture Capital Corporation:** Companion to HB 343. *Sen. Annette Taddeo (D-Miami)*

ENVIRONMENT

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: (1) once a contract for purchase, exchange, or disposal of the surplus land is approved; (2) at the discretion of the district; or (3) one year after the valuation is completed. Allows disclosure before the expiration of the exemption under certain specified conditions. Amends s. 373.089, F.S. Similar to SB 808. *Rep. Danny Burgess (R-Zephyrhills)* ☹

- H. Natural Resources and Public Lands Subcommittee: Two minor amendments are adopted; reported favorably as a committee substitute. Now in H. Oversight, Transparency and Administration Subcommittee.

★ To see our letter on HB 705, click here: <http://bit.ly/2F13IIO>

→ **SB 808 Exemption/Surplus Lands:** Companion to HB 705. *Sen. Dennis Baxley (R-Lady Lake)* ☹

★ To see our letter on SB 808, click here: <http://bit.ly/2CklW1>

EXAMINATIONS AND INVESTIGATIONS

SB 1216 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 HB 7019. *Sen. Lauren Book (D-Plantation)*

→ **HB 7019 Exemption/Videotaped Statements of Minors:** Companion to SB 1216. *H. Criminal Justice Subcommittee*

SB 7006 OGSR/False Claims Act Investigations: Section 68.0731, F.S., grants the Department of Financial Services (DFS) subpoena power before the department and institutes civil proceedings for a violation of s. 68.082, F.S, Florida's False Claims Act. SB 7006 reenacts, without modification, the public record exemption for complaints and information held by DFS during the course of an investigation of possible violations of the False Claims Act, stipulating that the exemption expires once the investigation is complete or ceases to be active. Reenacts s. 68.083, F.S. Similar to HB 7013. *S. Judiciary*

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

→ **HB 7019 OGSR/False Claims Act Investigations:** Companion to SB 7006. *H. Oversight, Transparency and Administration Subcommittee*

HOME ADDRESSES

SB 268 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 and case managers. 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. Similar to HB 1037. *Sen. Kathleen Passidomo (R-Naples) ???*

- S. Children, Families and Elder Affairs Committee: A strike-all amendment is adopted; reported favorably as a committee substitute. As amended, CS/SB 286 includes “employees with fiduciary responsibility” whose personal information is protected by the exemption. Now in S. Governmental Oversight and Accountability Committee.

→ **SB 1037 Exemption/Home Addresses – Public Guardians:** Companion to SB 268. *Rep. Joe Gruters (R-Sarasota) ???*

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, social security numbers, 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) ???*

- H. Health Quality Subcommittee: Reported favorably. Now in H. Oversight, Transparency and Administration Subcommittee.

→ **SB 1212 Exemption/Home Addresses – Child Advocacy Personnel:** Companion to HB 417. *Sen. Lauren Book (D-Plantation) ???*

HB 1055 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 SB 1364. *Rep. Bobby DuBose (D-Fort Lauderdale) ???*

→ **SB 1364 Exemption/Home Addresses – Substance Abuse Providers:** Companion to HB 1055. *Sen. Kevin Rader (D-Boca Raton) ???*

MEDICAL RECORDS

HB 1101 Exemption/Clinical Records – Advanced Birth Centers: HB 1099 amends the licensure requirements under ch. 408 to include advanced birth centers. HB 1101 expands the exemption for clinical

records of birth centers to include advanced birth centers. Amends s. 383.32, F.S. *Rep. MaryLynn Magar (R-Hobe Sound)*

PERSONAL INFORMATION

HB 221 Exemption/Certificates of Possession - Assault Weapons and Large-Capacity Magazines: HB 218 prohibits the sale, transfer, or possession of assault weapon or large-capacity ammunition magazines and requires certificates of possession for such weapons or magazines lawfully possessed before July 1, 2019. HB 221 creates a public record exemption for personal identifying information of those issued a certificate of possession. Creates s. 790.301, F.S. *Rep. Carlos Guillermo Smith (D-Winter Park) ???*

SB 608 Exemption/ID and Fraud Protection Act: Creates the Identity Theft and Fraud Protection Act, requiring agencies, before posting information to a publicly available website, to review such information to determine if it is susceptible to use for purposes of identity theft or fraud. Prohibits posting of images or copies of public records on an agency's publicly available websites if the public record contains information susceptible to use for purposes of identity theft or fraud. Requires the Division of Library and Information Services within the Department of State to adopt rules establishing uniform standards for agencies to use in determining the types of information that should be protected. In addition, requires an agency to create policies that allow people to request an agency remove an image or copy of a public record from the agency's website. Amends s. 119.021, F.S. *Sen. Kathleen Passidomo (R-Naples) ☹*

★ To see our letter on SB 608, click here: <http://bit.ly/2m0NORC>

SB 1078 Exemption/U.S. Census Data: Creates a public record exemption for U.S. Census Bureau address information, including maps showing structure location points, agency information verifying addresses, and agency records that identify address errors or omissions held by an agency pursuant to federal law. Allows access by other governmental agencies. Creates s. 119.071(1)(g), F.S. *Sen. Keith Perry (R-Gainesville)*

SB 1476 Database of Firearms and Firearm Owners: In 2004, the Florida Legislature passed a law that prohibited a government agency or private person (with some limited exceptions) from keeping any list, record, or registry of privately owned firearms. SB 1476 repeals the prohibition. Repeals s. 790.335, F.S. *Sen. Gary Farmer (D-Fort Lauderdale) 😊*

SB 1584 Exemption/Homeless Management Information System: Creates a public record exemption for personal identifying information of those under 21 contained in Point-in-Time Count and Surveys or data in a Homeless Management Information System collected pursuant to federal law. Creates s. 420.6231, F.S. *Sen. Linda Stewart (D-Orlando)*

PROPRIETARY INFORMATION

HB 461 Exemption/Trade Secrets: Creates a public record exemption for trade secrets held by any agencies. "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 461 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. Similar to SB 958. *Rep. Ralph Massullo, Jr. (R-Beverly Hills)*

→**SB 958 Exemption/Trade Secrets:** Companion to HB 461. *Sen. Debbie Mayfield (R-Melbourne)*

SB 7008 OGSR/Electric Utility – Proprietary Business Information: Reenacts, with minor modification, the public record exemption for proprietary confidential business information provided by a private or out-of-state entity to a public electric utility in connection with the utility’s due diligence review of an electric project or a project to improve the delivery, cost, or diversification of fuel or renewable energy resources. Defines “proprietary confidential business information” as information provided to an electric utility by an entity which is private in that disclosure of the information would cause harm to the entity’s business operations and which has not otherwise been disclosed, and includes (1) trade secrets; (2) internal audit controls and reports of internal auditors; (3) security measures, systems, or proceedings; (4) information concerning bids and other contractual data; and (5) information relating to competitive interests. Stipulates that all proprietary confidential business information must be retained for one year after the due diligence review has been completed. Reenacts s. 119.0713(4), F.S. *S. Communications, Energy, and Public Utilities Committee*

PUBLIC MEETINGS

HB 79 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 SB 192. *Rep. Rick Roth (R-Palm Beach Gardens)*

→**SB 192 Public Meetings:** Companion to HB 79. *Sen. Dennis Baxley (R-Lady Lake)*

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

BILLS TO WATCH: The general intent behind HB 79 and SB 192 is to clarify the requirements of our sunshine law, codifying case law. The legislation does reverse a court decision prohibiting members of a board or commission from fact-finding, but we think there are sufficient procedural safeguards in the bill so we’re not worried about the fact-finding provision. We’re asked for an amendment to clarify the language relating to social gatherings and if adopted, we will support this legislation. Stay tuned!

★ To see our letter on SB 192 and a proposed amendment, click here: <http://bit.ly/2Dsncl7>

HB 439 Exemption/Meetings – Imminent Litigation: Under current law, a government agency can close a meeting to discuss certain aspects of pending litigation under specified conditions. HB 439 expands that exemption to allow discussion of imminent litigation behind closed doors. Stipulates that the agency’s attorney must identify the name of the potential litigant at a public meeting. Transcripts of the closed session are subject to disclosure within “a reasonable period of time” after the matter is resolved or once the statute of limitations has expired. Litigation is considered “imminent” when the agency has received

notice of a claim or demand threatening litigation. Amends s. 286.011(8), F.S. Similar to SB 560. *Rep. Byron Donalds (R-Naples)* 😞

★ To see our letter on HB 439, click here: <http://bit.ly/2CXyQmx>

➔ **SB 560 Exemption/Meetings – Imminent Litigation:** Companion to HB 439. *Sen. Greg Steube (R-Sarasota)* 😞

★ To see our letter on SB 560, click here: <http://bit.ly/2m0av7p>

HB 589 Public Meetings: Expands the requirements of Florida’s sunshine law to specifically include entities created by general or special law within the scope of the law and specifies that adoption of resolutions, rules, ordinances, and codes aren’t binding unless adopted at public meetings. Requires publication of an agenda and all materials and attachments to be distributed at the meeting at least three days before a meeting. Stipulates that each member of the public has the right to speak at a meeting for at least three minutes regarding any (1) item on the agenda; (2) pending agenda item relating to the appointment of a public officer, zoning or land use regulation, imposition of fees or taxes, and other interests affecting the rights of residents or businesses; and (3) any matter that is not on the agenda but is within the jurisdiction of the board or commission. Contains limitations on the right to speak. Also requires a board or commission to respond to questions from the public either at the meeting or in writing within 10 days of the meeting. Repeals s. 286.0114, F.S. Amends s. 286.011, F.S. Similar to SB 1092. *Rep. Newt Newton (D-St. Petersburg)* 😊

➔ **SB 1092 Public Meetings:** Companion to HB 599. *Sen. Kevin Rader (D-Boca Raton)* 😊

HB 611 Public Meetings – Regional Agencies and Planning Councils: Amends the Administrative Procedures Act to allow a voting member of a regional agency or planning council that covers three or more counties who participates via telephone or videoconferencing to be counted towards the quorum requirement of the Act. Stipulates that at least one third of the voting members of such agencies or councils present at the meeting location and that notice of intent to participate remotely be provided at least 24 hours prior to the scheduled meeting. Amends s. 120.525, F.S. *Rep. Joe Geller (D-Dania Beach)*

PUBLIC RECORDS

HB 273 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. Similar to SB 750. *Rep. Ray Wesley Rodrigues (R-Fort Myers)* 😊

- H. Oversight, Transparency and Administration Subcommittee: Reported favorably. Now in the H. Governmental Accountability Committee.

➔ **SB 750 Public Records – Civil Actions:** Companion to HB 273. *Sen. Keith Perry (R-Gainesville)* 😊

BILLS TO WATCH: This legislation seeks to protect those who request public records from being hauled into court by the custodial agency. This is what happens: Jane makes a public record request of a public agency. Rather than respond to her request, the agency files suit against Jane asking seeking a declaratory judgment from the court that Jane doesn’t have a right of access to the records she’s requested. This is wrong on so many levels – not only is Jane forced to incur the costs of litigation her right of access, the

burden of proof is flipped and Jane must prove that she has the right to obtain the records. We applaud Rep. Rodrigues and Sen. Perry for attempting to stop this repugnant practice.

HB 459 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. Similar to SB 956. *Rep. Ralph Massullo, Jr. (R-Beverly Hills)* 😊

→**SB 956 Public Records – Agency Contracts:** Companion to HB 459. *Sen. Debbie Mayfield (R-Melbourne)* 😊

BILLS TO WATCH: Access to agency contracts, most notably the contract between Enterprise Florida and rapper Pitbull and contracts entered into by Visit Florida, has been an issue over the past few years when public record requests for such contracts were denied based on dubious assertions that the contracts and amounts paid were trade secret. HB 459 and SB 956 will ensure that the public has a right of access to all information about contracts entered into by any agency or entity subject to the Public Records Act, enhancing the ability to oversee government and hold it accountable.

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)*

→**SB 738 Exemption/Firesafety System Plans:** Companion to HB 411. *Sen. Keith Perry (R-Gainesville)*

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)* ???

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

→**SB 906 Exemption/Health Care Facilities:** Companion to HB 551. *Sen. Dana Young (R-Tampa)* ???

HB 755 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 SB 988. *Rep. Jayer Williamson (R-Pace)*

→**SB 988 Exemption/First Responder Network:** Companion to HB 755. *Sen. Keith Perry (R-Gainesville)*

HB 1127 Exemption/Citizens Property Insurance Corporation: Creates a public 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. *Rep. Larry Lee Jr. (D-Fort Pierce)*

SOCIAL WELFARE

HB 261 Exemption/Elder Abuse Fatality Review Teams: HB 259 creates elder abuse fatality review teams in each judicial circuit. HB 261 provides an exemption for identifying information of victims of elder abuse contained in records created by an elder abuse fatality review team and stipulates that information obtained by a team that is otherwise confidential or exempt remains protected. Creates s. 415.1103, F.S. Similar to SB 424. *Rep. Barbara Watson (D-Miami Gardens)*

→**SB 424 Exemption/Elder Abuse Fatality Review Teams:** Companion to HB 261. *Sen. Audrey Gibson (D-Jacksonville)*

SB 476 Exemption/Compassionate and Palliative Care Plans: SB 474 creates the Clearinghouse for Compassionate and Palliative Care Plans, an electronic database of compassionate and palliative care plans submitted to and managed by the Agency for Health Care Administration. SB 476 creates a public record exemption for personal identifying information held by the Clearinghouse. Creates s. 408.0461, F.S. *Sen. Jeff Brandes (R-St. Petersburg)*

HB 7011 OGSR/Exemption – School Lunch Programs: Reenacts with minor modification the personal identifying information of an applicant or a participant in a school food and nutrition service program held by the Department of Agriculture and Consumer Services or the Department of Education. Amends s. 595.409, F.S. *H. Oversight, Transparency and Administration Subcommittee*

TRANSPARENCY

HB 7 Local Government Fiscal Transparency: In pertinent part, requires local governments to post voting records related to tax increases and issuance of tax-supported debt on their respective websites. Also requires property appraisers to post certain specified information regarding property tax notices and histories of property tax rates and total revenue generated. Also requires additional public meetings and expands public notice requirements for local option tax increases other than property taxes. Amends various statutes. Similar to SB 1426. *Rep. Colleen Burton (R-Lakeland)* WATCH

- H. Ways and Means Committee: Reported favorably by a vote of 15/4, with Reps. Ausley, Geller, Hahnfeldt, and Jenne voting no. Now on H. Calendar.

→**SB 1426 Local Government Fiscal Transparency:** Companion to HB 7. *Sen. Tom Lee (R-Brandon)*

WATCH

SB 1480 Centralized Database – Public Charters and Amendments: Requires the Department of State (DOS) to create and maintain a centralized database containing county, municipal, and special district charters and amendments. Requires counties, municipalities, and special districts to file electronic copies of all charters and amendments with the DOS by October 1, 2018. Any charters or amendments adopted after that date must be filed within 90 days after adoption. Prohibits levying taxes or issuing bonds if such documents aren't filed. Creates s. 15.075, F.S. Amends ss. 125.60, 125.82, 166.031 and 189.013, F.S. *Sen. Jeff Brandes (R-St. Petersburg)* 😊

SB 1588 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. SB 1588 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. *Sen. Jeff Brandes (R-St. Petersburg)* 😊

VOTER INFORMATION

HB 87 Exemption/Statewide Voter Registration System: HB 85 authorizes Florida's Department of State to enter into agreements with states in order to verify voter registration information. HB 87 creates a public record exemption for information received by the Secretary of State that is confidential an exempt in its state of origin. Creates s. 98.705(2)(b)b., F.S. Companion to SB 278. *Rep. Ross Spano (R-Riverview)*

- H. Oversight, Transparency and Administration Subcommittee: Reported favorably. Now in H. Public Integrity and Ethics Committee.

→**SB 278 Exemption/Statewide Voter Registration System:** Companion to HB 87.

- S. Ethics and Elections Committee: Reported favorably.
- S. Governmental Oversight and Accountability Committee: A strike-all amendment allowing access to the exempt information by supervisors of election for list maintenance activities is adopted. Reported favorably as a committee substitute. Now in S. Rules Committee.

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)*

HB 761 Exemption/Voter Information: Creates a public record exemption the home addresses, dates of birth, telephone numbers and email addresses of registered voters, voter registration applicants, and preregistration voter registration applicants who are 16 or 17 years old. Allows access by the voter or applicant; canvassing boards or election officials; and political parties, candidates, elected officials, and

political committees for political purposes only. Amends s. 97.0585, F.S. *Rep. Cyndi Stevenson (R-St. Augustine)* 😞

★ To see our letter on HB 761, click here: <http://bit.ly/2Cugf08>

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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. Check our website, www.floridafaf.org, for current legislative reports, as well as archived reports dating back to 1995.