



2019 LEGISLATIVE REVIEW: PRE-SESSION REPORT

The following is a list of the bills we will be tracking throughout the 2019 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, bills we **support** will be in **green**, those we **oppose** in **red**. If we're **not sure** of a bill, it will be marked in **yellow**. If a bill isn't marked, it means FAF is neutral. 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 2019 Legislature will be reviewing all exemptions created in 2014. 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

HB 363 Exemption/Baker Act: Creates a public record exemption for all petitions for voluntary and involuntary admission for mental health treatment, court orders, and related documents filed with a court pursuant to the Baker Act. Allows disclosure under certain, specified conditions, including by court order upon a showing of good cause. Prohibits publication by the clerk of court of personal identifying information on a court docket or in a publicly accessible file. Creates s. 394.464, F.S. Companion to SB 838. *Rep. David Silvers (D-West Palm Beach)*

→ **SB 838 Exemption/Baker Act**: Companion to HB 363. *Sen. Bobby Powell (D-West Palm Beach)*

SB 786 Exemption/Personal Identifying Information – Involuntary Assessments and Treatment: Creates public record exemptions for (1) all petitions for involuntary examination or treatment, court orders, and related documents, filed with a court pursuant to the Baker Act, including the name of the respondent at trial and on appeal pursuant to the Baker Act; and (2) all petitions for involuntary treatment of those with potential mental, emotional, behavioral disorders and substance abuse, including the name of the respondent at trial and on appeal. Allows disclosure under certain, specified conditions, including by court order upon a showing of good cause. Creates s. 394.4616, F.S.; and amends s. 397.6760, F.S. *Sen. Lauren Book (D-Plantation)*

HB 845 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 SB 980. *Rep. Brett Thomas Hage (R-The Villages)*

→**SB 980 Exemption/Petitions for Protective Injunctions:** Companion to HB 845. *Sen. Gayle Harrell (R-Stuart)*

SB 7010 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 HB 7025. *S. Judiciary*

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

→**HB 7025 OGSR/Treatment-Based Drug Court Programs:** Companion to SB 7010. *H. Oversight, Transparency and Public Management Subcommittee*

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

→**HB 7017 Exemption/Photographs and Videos Depicting the Victims of Mass Violence:** 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. Criminal Justice Subcommittee: Reported favorably by a vote of 10/3, with Reps. Gottlieb, Grieco, and Hattersley voting no. Now in H. State Administration Committee.

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.

HB 577 Exemption/Photographs and Videos Depicting a Victim of a School Shooting or Mass Violence:

Creates a public record exemption for photographs, videos or audio recordings that depict a victim of a school shooting and the killing of a victim of mass violence. Defines “killing of a victim of a school shooting” 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 at a school by an intentional act of gun violence . . . including any related acts or events immediately preceding or subsequent to the acts or events that were the proximate cause of death.” The phrase “killing of a victim of mass violence” is defined 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. 406.136, F.S. *Rep. Kamia Brown (D-Orlando)*

- WITHDRAWN FROM CONSIDERATION

HB 747 Criminal History Records – Minors: Requires the Criminal Justice Information Program to administratively seal criminal history records relating to an arrest of a minor charged with a felony or misdemeanor upon notification by a clerk of court that all charges were dropped or dismissed before trial or resulted in an acquittal or a verdict of not guilty. Creates s. 943.0458, F.S. Companion to SB 936. *Rep. Dotie Joseph (D-District 108)*

→**SB 936 Criminal History Records – Minors:** Companion to HB 747. *Sen. Randolph Bracy (D-Orlando)*

HB 749 Exemption/Sealed Criminal History Records – Minors: Creates a public record exemption for a minor’s administratively sealed criminal history records. Amends s. 943.049, F.S. Companion to SB 938. *Rep. Dotie Joseph (D-District 108)*

→**SB 938 Criminal History Records – Minors:** Companion to HB 749. *Sen. Randolph Bracy (D-Orlando)*

SB 1130 Exemption/Criminal Investigative Information: Under current law, active criminal investigative information is exempt from disclosure so long as the investigation is ongoing. SB 1130 expands the exemption for active criminal investigative information to include records relative to the reinvestigation of a claim of innocence which resulted in the conviction of the person accused. Reinvestigation information is subject to disclosure until such time as the claim of innocence is no longer capable of further investigation or the relief sought is granted. Amends s. 119.011(3)(d), F.S. *Sen. Aaron Bean (R-Jacksonville)*

SB 1146 Exemption/Photographs and Videos Depicting the Killing of a Person: Reenacts the public record exemption amended and narrowed during the 2016 legislative 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.” The exemption specifically does *not* include the killing of those in the care and custody of a state agency. Reenacts s. 406.136, F.S. *Sen. Aaron Bean (R-Jacksonville)*

★ To see our letter on SB 1146, click here: <https://bit.ly/2H2nbXI>

[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. SB 1146 reverses Bradley’s good amendment,](#)

[reverting back to the overbroad exemption. This is bad public policy and we've requested Senator Bean withdraw his bill from consideration.](#)

SB 1426 Victim Rights: Specifies the rights to which every crime victim is entitled under Marsy's Law, Article I, s. 16, Fla. Con. Creates ss. 960.001 - .0018, F.S. *Sen. Lauren Book (D-Plantation)*

[Bills to Watch:](#) [An amendment to the state constitution, Marsy's Law, was approved by the voters in the November 2018 general election. The provision enumerates various rights for crime victims and their families. SB 1426 clarifies and implements the constitutional provision. Of particular interest to us is Art. I, s. 16\(b\)\(5\), which grants victims the right to prevent disclosure of information that could be used to locate or harass a victim or the victim's family. This provision has created a lot of confusion throughout the law enforcement community and interpretations and implementation vary wildly. SB 1426 doesn't include any language regarding this particular right. If you would like more information on the problems encountered with the implementation of Marsy's Law, please contact us.](#)

EMPLOYMENT

SB 394 Employment Applications – Criminal History Records: Prohibits a public employer from inquiring into or considering an applicant's criminal history on an initial employment application unless required by law. Also prohibits a public university or college from inquiring into or considering an applicant's criminal history. Amends ss. 760.105 and 1007.36, F.S. Companion to HB 667. *Sen. Gary Farmer (D-Fort Lauderdale) WATCH*

→ **HB 667 Employment Applications – Criminal History Records:** Companion to SB 394. *Rep. Ramon Alexander (D-Tallahassee)*

ETHICS AND ELECTIONS

SB 228 Exemption/Florida Elections Commission – Probable Cause Determinations: Currently, the Florida Elections Commission cannot release a probable cause determination made 30 days before the date of an election. SB 228 extends the period of confidentiality to 60 days. Amends s. 106.25, F.S. Companion to HB 439. *Sen. Joe Gruters (-Sarasota)*

→ **HB 439 Exemption/Florida Elections Commission – Probable Cause Determinations:** Companion to SB 228. *Rep. James Buchanan (R-North Port)*

HB 7023 Exemption/Commission on Ethics – Financial Disclosure: Creates a public record exemption for all passwords held by the Commission on Ethics for the purpose of allowing access the electronic filing system. Also exempts information entered into the electronic filing system until the disclosure of financial interests or statement of financial interests is submitted to the Commission. Creates s. 112.31446, F.S. Companion to SB 7042. *H. Public Integrity and Ethics Committee*

→ **SB 7042 Exemption/Commission on Ethics – Financial Disclosure:** Companion to HB 7023. *S. Ethics and Elections 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. Criminal Justice Committee: A minor amendment, mostly technical, is adopted. Reported favorably as a committee substitute. Now in S. Governmental Oversight and Accountability Committee.

SB 318 Exemption/Reports of Child Abuse: Current law provides a public record exemption for the names of persons reporting child abuse, abandonment, or neglect. SB 318 expands the exemption to include school instructional personnel, administrators, and educational support employees who report such abuse, abandonment, or neglect within the protection of the exemption. Amends ss. 39.201 and 39.202, F.S. Companion to HB 601. *Sen. Bill Montford (D-Tallahassee)*

- S. Children, Families and Elder Affairs Committee: A strike-all amendment is adopted; reported favorably as a committee substitute. As amended, CS/SB 318 provides a public record exemption for the names of school instructional personnel, school administrators, and educational support employees who provide information during a protective investigation of child abuse, abandonment or neglect. Amends s. 39.202, F.S. Now in the S. Education Committee.

→ **HB 601 Exemption/Reports of Child Abuse:** Companion to SB 318. *Rep. Rick Roth (R-Palm Beach Gardens)*

HB 1055 Exemption/Department of Highway Safety and Motor Vehicles: Creates public record exemptions for active examinations and investigations of authorized private rebuilt inspection providers; certificates of title; licensed dealers or manufacturers; and an investigation pursuant to newly created s. 322.71, F.S., until such time as the examinations or investigations are complete. Also expands the public record exemption for personal information contained in motor vehicle records under s. 119.0712(2), F.S., to exempt information for personal information contained in vessel title or vessel registration records. Finally, expands the public record

exemption for email addresses collected by DHSMV to also exempt verified text numbers. Amends ss. 119.0712(2); 319.25; and 320.861. Creates ss. 319.1414 and 322.71, F.S. *Rep. Chuck Brannan (Lake City)*

SB 1176 Exemption/Investigations – Property Appraisers: Creates a public record exemption for information obtained by a property appraiser during an investigation of an exemption claim until the property appraiser provides written notice that the office has concluded the investigation or concludes the investigation and decides not to proceed with the removal of the exemption. Creates s. 119.071(2)(p), F.S. *Sen. Dennis Baxley (R-Lady Lake)*

HB 7049 OGSR/Investigations – Office of Financial Regulation: Reenacts without modification the public record exemption for records related to examinations or investigations of financial institutions until the examination is complete or no longer active. Stipulates, however, that certain information, including personal identifying information of a consumer unless the consumer is the complainant, will remain exempt once the investigative records are released. Reenacts s. 559.5558, F.S. Companion to SB 7050. *H. Oversight, Transparency and Public Management Subcommittee*

→ **SB 7050 OGSR/Investigations – Office of Financial Regulation:** Companion to HB 7049. *S. Banking and Insurance Committee*

SB 7052 OGSR/Examinations – Office of Financial Regulation: Reenacts without modification the public record exemption for informal enforcement actions until the action is completed or ceases to be active. Stipulates that some information, including information that would impair the safety and soundness of the financial institution and personal financial information, will remain exempt. Also reenacts the public record exemption for trade secrets held by the Office of Financial Regulation. Reenacts s. 655.057, F.S. *S. Banking and Insurance 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>

→ **SB 7056 OGSR/Family Trust Companies – Office of Financial Regulation:** Companion to HB 7033. *S. Banking and Insurance Committee*

★ To see our letter on SB 7056, click here: <https://bit.ly/2VrSYoU>

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. 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. Criminal Justice Subcommittee: Reported favorably.
- H. Oversight, Transparency and Public Management Subcommittee: An amendment allowing an officer, employee, justice, judge, or other person with a home address exemption to make a written request for the release of exempt information is adopted. Reported favorably as a committee substitute. Now in H. Judiciary Committee.

→ **SB 248 Exemption/Home Addresses**: Companion to HB 203. *Sen. Ed Hooper (R-Palm Harbor)*

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

- S. Criminal Justice Committee: Two technical amendments are adopted; reported favorably as a committee substitute. Now in S. Governmental Oversight and Accountability 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)*

→ **SB 746 Exemption/Home Addresses – Judicial Assistants**: Companion to HB 635. *Sen. Tom Wright (R-Port Orange)*

SB 7004 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 HB 7009. *S. Health Policy Committee*

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

→ **HB 7009 OGSR/Department of Health – Home Addresses**: Companion to SB 7004. *H. Oversight, Transparency and Public Management Subcommittee*

- H. Health Quality Subcommittee: Reported favorably. Now in H. State Affairs Committee.

MEDICAL RECORDS

SB 560 Exemption/Physician Abortion Reports: SB 558 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. SB 560 creates a public record exemption for those reports. Creates s. 390.305, F.S. *Sen. Joe Gruters (R-Sarasota)*

SB 7048 Disclosure of Confidential Records: Requires service providers to disclose information from confidential clinical records relating to threats to cause seriously bodily injury or death. Also requires psychiatrists and psychologists to disclose certain patient communications for the purpose of notifying potential victims and law enforcement of specific threats to cause serious bodily injury or death. Amends ss. 394.4615; 465.059; 490.0147; and 491.0147, F.S. *S. Children, Families and Elder Affairs Committee*

PERSONAL INFORMATION

HB 553 Exemption/Certificates of Possession - Assault Weapons and Large-Capacity Magazines: HB 455 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 553 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)*

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. Energy and Utilities Subcommittee:** An amendment to the constitutionally-required statement of public necessity is adopted. Reported favorably as a committee substitute. Now in H. Oversight, Transparency and Public Management Subcommittee.

→ **SB 600 Exemption/Public Utility Records:** Companion to HB 591. *Sen. Audrey Gibson (D-Jacksonville)*

HB 699 Exemption/Healthy Florida Program: Creates a public record exemption for all personal identifying information in health records collected by Healthy Florida, including a person's religious beliefs, practices, or affiliation; national origin; ethnicity; or immigration status. Also exempts portions of meetings of the Healthy Florida board at which matters related to litigation, personnel, contracting, and rates are discussed. Creates ss. 638.61 and 638.617, F.S. *Rep. Amy Mercado (D-Orlando)*

HB 1071 Exemption/Homeless Management Information System: Creates a public record exemption for personal identifying information 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. Companion to SB 1346. *Rep. Margaret Good (D-Sarasota)*

→ **SB 1346 Exemption/Homeless Management Information System:** Companion to HB 1071. *Sen. Joe Gruters (R-Sarasota)*

SB 7000 OGSR/Dental Workforce Surveys – Personal Identifying Information: Reenacts without modification the public record exemption for all personal identifying information contained in dental workforce surveys completed by dentists and dental hygienists held by the Department of Health. Reenacts s. 466.051, F.S. *S. Health Policy Committee*

HB 7005 OGSR/Animal Researchers – Personal Identifying Information: Reenacts without modification the public record exemption for personal identifying information of those persons employed by, under contract with, or volunteering for a public research facility, including a state university, who conduct animal research or are engaged in activities related to animal research, contained in animal records, including animal care and

treatment records; research protocols and approvals; purchase and billing records related to animal research or activities; animal care and use committee records; and facility and laboratory records related to animal research or activities. Reenacts s. 585.611, F.S. Companion to SB 7018. *H. Oversight, Transparency and Public Management Subcommittee*

→**SB 7018 OGSR/Animal Researchers – Personal Identifying Information:** Companion to HB 7005. *S. Education Committee*

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

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. Transportation and Infrastructure Subcommittee: Reported favorably. Now in H. State Affairs Committee.

→**SB 7036 OGSR/Toll Facilities – Personal Identifying Information:** Companion to HB 7007. *S. Infrastructure and Security Committee*

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*

→**HB 7037 OGSR/Automated License Plate Recognition Systems – Personal Identifying Information:** Companion to SB 7034. *H. Oversight, Transparency and Public Management Subcommittee*

SB 7044 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. *S. Criminal Justice Committee*

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)*

→**SB 1414 Exemption/Trade Secrets:** Companion to HB 761. *Sen. Joe Gruters (R-Sarasota)*

SB 1016 Exemption/Applications – Florida Motion Picture Capital Corporation: SB 1014 creates the Florida Motion Picture Capital Corporation to encourage movie production in Florida by providing financial support for such productions. SB 1016 provides a public record exemption for personal financial records, trade secrets, and proprietary information of those applying for financing, providing definitions and stipulating contracts to which the corporation is a party and financial information related to such contracts is subject to disclosure. Creates s. 288.1259, F.S. *Sen. Annette Taddeo (D-Miami)*

SB 7054 OGSR/Insurance Flood Loss Model: Reenacts without modification the public record exemption for trade secrets used in designing and constructing a hurricane flood loss model to also include trade secrets related to flood loss models. Reenacts s. 627.0628(3)(f)1., F.S. *S. Banking and Insurance Committee*

PUBLIC MEETINGS

HB 265 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 isn’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, and that such materials be available for public inspection on the day of the 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. Companion to SB 518. *Rep. Newt Newton (D-St. Petersburg)*

→**SB 518 Public Meetings:** Companion to HB 265. *Sen. Kevin Rader (D-Boca Raton)*

[Bills to Watch:](#) These good bills reinforce the importance of the public’s right to speak at public meetings and provide some much-needed tweaking of the Sunshine Law. The bills were introduced last year but didn’t get the support they should have received. If you support the legislation, please contact Rep. Newton and Sen. Rader and let them know. It wouldn’t hurt to contact the legislative leadership, too.

HB 7001 OGSR/Meetings - University Direct Support Organizations: Reenacts without modification the exemption for portions of meetings of a university direct support organization (DSO) board of directors when the board is discussing research funding proposals or plans or programs to support research. Reenacts s. 1004.28(5), F.S. Companion to SB 7020. *H. Oversight, Transparency and Public Management Subcommittee*

→**SB 7020 OGSR/Meetings - University Direct Support Organizations:** Companion to HB 7001. *S. Education Committee*

- [S. Governmental Oversight and Accountability Committee:](#) Reported favorably. Now in S. Rules Committee.

PUBLIC RECORDS

HB 407 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 SB 602. *Rep. Ray Wesley Rodrigues (R-Fort Myers)*

→**SB 602 Public Records – Civil Actions:** Companion to HB 407. *Sen. Keith Perry (R-Gainesville)*

[Bills to Watch:](#) Last year, the South Florida Water Management District filed a request for declaratory judgment in response to public record requests from a small non-profit, the Everglades Law Center, and a citizen activist, Maggy Hurchalla. These types of lawsuits force public record requestors into court to defend their right of access to public records – a right, it should be noted, guaranteed by the Florida Constitution. HB 407 and SB 602 aim to end that predatory practice. Please express your support to sponsors Rep. Rodrigues and Sen. Perry.

HB 479 Public Records – Time Estimates: Current law requires that an agency acknowledge a request to inspect or copy public records promptly and in good faith. HB 479 stipulates that a good faith response includes an estimate of the time necessary to complete the request. If the request is not completed within the estimated time, the agency must notify the request of the reasons for the delay and provide a new estimate. Amends s. 119.07(1)(c), F.S. *Rep. Cindy Polo (D-District 103)*

[Bills to Watch:](#) Too frequently, a public record request is acknowledged promptly and then the requestor waits and waits – sometimes for months – before the custodial agency provides access to the requested records. Rep. Polo deserves our support on this very good bill.

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)*

→**SB 1416 Public Records – Agency Contracts:** Companion to HB 759. *Sen. Joe Gruters (R-Sarasota)*

[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. These bills were introduced last year; the House version passed but got caught up in session politics. 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

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. HB 327 creates an exemption for meetings at which such information is discussed. Creates s. 286.0113(3), F.S. Companion to SB 450. *Rep. Tracie Davis (D-Jacksonville)*

- [H. Energy and Utilities Subcommittee:](#) An amendment (1) requiring that portions of closed meeting be recorded; (2) creating a public record exemption for the recordings of closed meetings; (3) and

allowing access to the recording if a court determines the meeting was not restricted to the discussion of exempt information, is adopted. Reported favorably as a committee substitute. Now in H. Oversight Transparency and Public Management Subcommittee.

→**SB 450 Exemption/Public Utilities:** Companion to HB 327. *Sen. Audrey Gibson (D-Jacksonville)*

SB 836 Exemption/Emergency Public Shelters: Creates a public record exemption for the names, addresses, and telephone numbers of persons using public shelters during an emergency. Also exempts the names, addresses, and telephone numbers of homeowners and tenants held by an agency for the purpose of providing or receiving damage assessment data following a disaster for one year after the date of the disaster. Amends s. 252.285, F.S., and creates s. 252.64, F.S. *Sen. Bobby Powell (D-West Palm Beach)*

SB 7008 OGSR/Data Breach Notifications: Reenacts without modification the public record exemption for all information received by the Department of Legal Affairs (DOLA) pursuant to the requirement that DOLA be notified of all breaches of data security. Also creates an exemption for records relating to investigations of such breaches held by DOLA or a criminal justice agency, stipulating that the records are subject to disclosure once the investigation is complete. Allows disclosure during the investigation under certain specified conditions. The following information remains exempt once the investigation is complete: personal information; computer forensic reports; information revealing weaknesses in data security; and proprietary business information. “Proprietary business information” is defined as information owned or controlled by the entity reporting the breach that is intended to be private in that disclosure would cause harm to the entity’s business operations, and has not otherwise been disclosed, including trade secrets and competitive interests. Reenacts s. 501.171, F.S. Companion to HB 7047. *S. Judiciary Committee*

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

→**HB 7047 OGSR/Data Breach Notifications:** Companion to SB 7008. *H. Oversight, Transparency and Public Management Subcommittee*

HB 7011 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 SB 7032. *H. Oversight, Transparency and Public Management Subcommittee*

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

→**SB 7032 OGSR/Emergency Planning:** Companion to HB 7011. *S. Infrastructure and Security*

REDISTRICTING

SB 1458 Redistricting Plans: Repeals the public record exemption for drafts and requests for drafts of a reapportionment or redistricting plans. Repeals s. 11.0431, F.S. *Sen. Jose Javier Rodriguez (D-Miami)*

[Bills to Watch: We don’t know how or why this exemption was created but clearly, it needs to go!](#)

SOCIAL WELFARE

SB 208 Exemption/Compassionate and Palliative Care Plans: SB 206 requires the Agency for Health Care Administration to establish and maintain a Clearinghouse for Compassionate and Palliative Care Plans, including a database accessible by health care providers. SB 208 creates a public record exemption for personal identifying information contained in such plans held by the Clearinghouse. Creates s. 408.0641, F.S. *Sen. Jeff Brandes (R-St. Petersburg)*

SB 454 Exemption/Elder Abuse Fatality Review Teams: SB 452 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. Also creates an exemption for those portions of meetings at which such information is discussed. Creates s. 415.1103, F.S. Companion to HB 585. *Sen. Audrey Gibson (D-Jacksonville)*

- S. Children, Families and Elder Affairs Committee: Two technical amendments adopted; reported favorably as a committee substitute. Now in S. Governmental Oversight and Accountability Committee.

→**HB 585 Exemption/Elder Abuse Fatality Review Teams:** Companion to SB 454. *Rep. Barbara Watson (D-Miami Gardens)*

SB 7002 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 HB 7003. *S. Health Policy Committee*

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

→**HB 7003 OGSR/Alzheimer's Disease Research Grant Advisory Board:** Companion to SB 7002. *H. Oversight, Transparency and Public Management Subcommittee*

- H. Health Quality Subcommittee: Reported favorably. Now in H. State Affairs Committee.

TRANSPARENCY

HB 1047 Government Integrity: In pertinent part, creates the Florida Accountability Office under the Auditor General for the purpose of ensuring accountability and integrity in state and local government and eliminating government fraud, waste, abuse, mismanagement. Creates s. 11.421, F.S. Companion to SB 1542. *Rep. Josie Tomkow (R-Auburndale) WATCH*

→**SB 1542 Government Integrity:** Companion to HB 1047. *Sen. Travis Hutson (R-Palm Coast) WATCH*

SB 1198 School Board Fiscal Transparency: In pertinent part, requires charter schools to comply with laws relating to cost accounting, reporting, and budget transparency that currently apply only to public schools. Amends s. 1002.33. *Sen. Kelli Stargel (R-Lakeland) WATCH*

VOTER INFORMATION

HB 131 Voter Registration Maintenance: Requires supervisors of election to enter into agreements with local clerks of court to receive change of address information and lists of potential jurors who have self-identified as aliens on a monthly basis. Also requires the Department of Highway Safety and Vehicles to furnish a list of those who have self-identified as aliens to the Department of State on a monthly basis. Amends ss. 98.065 and 98.093, F.S. Companion to SB 230. *Rep. Amber Mariano (R-Port Richey) WATCH*

→**SB 230 Voter Registration Maintenance:** Companion to HB 131. *Sen. Joe Gruters (R-Sarasota) WATCH*

HB 281 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. Companion to SB 342. *Rep. Cyndi Stevenson (R-St. Augustine)*

→**SB 230 Exemption/Voters and Voter Registration:** Companion to HB 281. *Sen. Tom Lee (R-Brandon)*

» «

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 report.