



LEGISLATIVE REPORT

-
- Current action
 - CS** Committee Substitute
 - P** Passed both Chambers
-

For Period Ending January 12

COURT RECORDS

HB 1379 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. Creates s. 394.464, F.S. Similar to SB 1846. *Rep. David Silvers (D-West Palm Beach) ???*

→ **SB 1846 Exemption/Baker Act:** Companion to HB 1379. *Sen. Bobby Powell (D-West Palm Beach)*

CRIMINAL JUSTICE and LAW ENFORCEMENT

HB 417 Exemption/Autopsy Reports: Amends the public record exemption for autopsy videos and audio recordings to create an exemption for autopsy reports and related records that personally identify the deceased held by a medical examiner. Stipulates that such records are subject to disclosure 10 days after the date of death or immediately after law enforcement notifies the deceased's family or legal guardian of any request to obtain the report, written record, or name of the deceased, whichever is earlier. Amends s. 406.135, F.S. Similar to SB 1850. *Rep. Kristin Jacobs (D-Coconut Creek) ???*

→ **SB 1850 Exemption/Autopsy Reports:** Companion to HB 1317. *Sen. Linda Stewart (D-Orlando) ???*

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. Similar to HB 7029. *S. Criminal Justice Committee*

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

→ **HB 7029 OGSR/Criminal History Records – Human Trafficking Victims:** Companion to SB 7000. *H. Oversight, Transparency and Administration Subcommittee*

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 Committee*

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

➔ **HB 7031 OGSR/Meetings – Criminal Justice Commissions:** Companion to SB 7002. *H. Oversight, Transparency and Administration Subcommittee*

ENVIRONMENT

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

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

- H. Oversight, Transparency and Administration Subcommittee: An significant amendment relating to the discretionary release of valuation records is adopted; reported favorably as a committee substitute. As amended, CS/HB 705 creates a public record exemption for the (1) valuation of surplus lands held by a water management district; (2) documents used to form or which pertain to the valuation; and (3) purchase offers. Stipulates that such records are subject to disclosure once a contract for purchase, exchange, or disposal of the surplus land is approved. Also authorizes the water management district to release the protected records to potential purchasers: (1) during negotiations; (2) during the marketing effort or bidding process associated with the sale; (3) once the conclusions of the value are not longer valid; or (4) when negotiations or marketing efforts are concluded. Now in H. Government Accountability Committee.

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)*

- S. Judiciary Committee: A minor technical amendment is adopted; reported favorably as a committee substitute. Now in S. Governmental Oversight and Accountability Committee.

HB 7013 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. HB 7013 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 SB 7006. *H. Oversight, Transparency and Administration Subcommittee*

- H. Governmental Accountability Committee: Reported favorably. Now on H. Calendar.

FINANCIAL INFORMATION

SB 7010 OGSR/OFR - Financial Regulation Payments: The Office of Financial Regulation (OFR) is required to maintain payment instrument transaction information in a centralized database. SB 7010 reenacts without modification a public record exemption for payment transaction information that identifies a licensee, payor, payee, or conductor contained in the database held by OFR. "Payment instrument" is statutorily defined as "a check, draft, warrant, money order, travelers check, electronic instrument, or other instrument, payment of money, or monetary value whether or not negotiable." Reenacts s. 560.312, F.S. *S. Banking and Insurance Committee*

HOME ADDRESSES

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. Oversight, Transparency and Administration Subcommittee: An amendment making mostly minor changes to the bill is amended; reported favorably as a committee substitute. As amended, CS/HB 417 creates a public record exemption for the home addresses, telephone numbers, dates of birth, places of employment, and photographs of current or former directors, managers, supervisors and clinical employees of a child advocacy center and the members of a child protection team. Also creates an exemption for the names, home addresses, telephone numbers, dates of birth, and places of employment of a public guardian's spouse and children, and the names and locations of schools and day care facilities attended by their children. Now in H. Health and Human Services Committee.

PERSONAL INFORMATION

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>

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

PUBLIC MEETINGS

SB 192 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 HB 79. *Sen. Dennis Baxley (R-Lady Lake)*

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

PUBLIC SAFETY AND SECURITY

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

PROPRIETARY INFORMATION

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*

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

SB 7012 OGSR/Citizens Property Insurance – Proprietary Business Information: Reenacts without modification a public record exemption for proprietary business information provided to the Citizens Property Insurance Corporation policyholder eligibility clearinghouse program. Defines “proprietary business information” as information owned or controlled by an insurer which is (1) identified by the insurer as proprietary and is treated by the insurer as private in that disclosure would cause harm to the insurer’s business interests and has not otherwise been disclosed; and (2) not otherwise readily ascertainable or otherwise publicly available. Proprietary business information can include trade secrets and information relating to competitive interests, the disclosure of which would impair the competitive business of the insurer. Allows disclosure under certain, specified conditions. Reenacts s. 627.3518, F.S. *S. Banking and Insurance Committee*

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. Government Accountability Committee: Reported favorably. Now on H. Calendar.

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

- S. Governmental Oversight and Accountability Committee: Reported favorably by a vote of 5/1, with Senator Rouson voting no. Now in Senate Judiciary Committee.

PUBLIC SAFETY AND SECURITY

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

- H. Health Innovation Subcommittee: An amendment to the constitutionally required statement of public necessity removing reference to emergency generators is adopted; reported favorably as a committee substitute. Now in H. Government Accountability Committee.

SOCIAL WELFARE

SB 424 Exemption/Elder Abuse Fatality Review Teams: SB 424 creates elder abuse fatality review teams in each judicial circuit. SB 424 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 HB 261. *Sen. Audrey Gibson (D-Jacksonville)*

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

HB 1341 Exemption/Compassionate and Palliative Care Plans: HB 1341 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. HB 1341 creates a public record exemption for personal identifying information held by the Clearinghouse. Creates s. 408.0461, F.S. Similar to SB 476. *Rep. Cary Pigman (R-Sebring)*

HB 1387 Exemption/Healthy Florida Program: HB 1387 creates the Healthy Florida Program for the purpose of comprehensive single-payer health care coverage. HB 1387 states that the Healthy Florida Board is subject to Florida's sunshine law but then says that any closed session of the board where matters related to litigation, personnel, contracting, and rates are exempt. The bill also creates an exemption for personal identifying information held by Healthy Florida, any state or local agency, or public employee. Creates s. 638.610, F.S. Similar to SB 1760. *Rep. David Richardson (D-Miami Beach) ???*

→SB 1760 Exemption/Healthy Florida Program: SB 1760 creates the Healthy Florida Program to be administered by the Healthy Florida Board. SB 1760 creates a public record exemption for the personal identifying information of members of the Healthy Florida Program held by the Healthy Florida Board, public advisory committees, or agencies performing duties under the program. Allows disclosure under certain specified circumstances. Creates s. 408.985, F.S. Similar to HB 1387. *Sen. Victor Torres (D-Kissimmee)*

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*

- H. Government Accountability Committee: Reported favorably

» «

If you'd like additional information about any of the bills included in this report or to know the Foundation's position on a specific bill, please call 800/337-3518. And check our website, <http://floridafaf.org>, for copies of bill letters to various sponsors.