



LEGISLATIVE REPORT

-
- Current action
- CS** Committee Substitute
- P** Passed both Chambers
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For Period Ending January 19

COURT RECORDS

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

CRIMINAL JUSTICE AND LAW ENFORCEMENT

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)*

- H. Criminal Justice Subcommittee: Reported favorably. Now in the H. Judiciary Committee.

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

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

HB 7029 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 SB 7000. *H. Oversight, Transparency and Administration Subcommittee*

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

HB 7031 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. Similar to SB 7002. *H. Oversight, Transparency and Administration Subcommittee*

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

EXAMINATIONS AND INVESTIGATIONS

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

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

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

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

HOME ADDRESSES

CS/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, case managers, and employees with fiduciary responsibility. 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. Governmental Oversight and Accountability Committee: An amendment adding a definition of the phrase “employee with fiduciary responsibility” is adopted; reported favorably a committee substitute. Now in the S. Rules Committee.

HB 1037 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 SB 268. *Rep. Joe Gruters (R-Sarasota)*

- H. Children, Families and Seniors Subcommittee: An amendment adding a definition of the phrase “employee with fiduciary responsibility is adopted. Reported favorably as a committee substitute. Now in the H. Oversight, Transparency and Administration Subcommittee.

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)*

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- H. Children, Families and Seniors Subcommittee: Reported favorably. Now in the H. Oversight, Transparency and Administration Subcommittee.

SB 1212 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 HB 417. *Sen. Lauren Book (D-Plantation)* ???

- S. Children, Families, and Elder Affairs Committee: An amendment making mostly minor changes to the bill is amended; reported favorably as a committee substitute. As amended, CS/SB 1212 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 the S. Governmental Oversight and Accountability Committee.

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)*

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

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. Judiciary Committee: Reported favorably by a vote of 9/1, with Sen. Bradley voting no. Now in the S. Rules Committee.

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)*

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

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. Requires that those who submit records containing a trade secret to an agency submit to the agency a notice of trade secret when the records are provided to the agency and that each page containing a trade secret be clearly marked as such. 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)*

- H. Oversight, Transparency and Administration Subcommittee: An amendment making mostly technical changes is adopted. Reported favorably as a committee substitute. Now in the H. Government Accountability Committee.

PUBLIC MEETINGS

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>

- H. Oversight, Transparency and Administration Subcommittee: A minor amendment to the constitutionally required statement of public necessity is adopted. Reported favorably as a committee substitute. Now in the House Government Accountability Committee.

PUBLIC RECORDS

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)* 😊

- H. Oversight, Transparency and Administration Subcommittee: A lengthy strike all amendment specifying that exempt information may be redacted from contracts and financial information, is adopted. Reported favorably as a committee substitute. Now in the H. Government Accountability Committee.

PUBLIC SAFETY AND SECURITY

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

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

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)*

- H. Oversight, Transparency and Administration Subcommittee: A strike all amendment is adopted; reported favorably as a committee substitute. As amended, CS/HB 755 creates a public record exemption for information relating to the Nationwide Public Broadband Network established by federal law if release of such information would reveal (1) the design, development, construction, deployment, and operation of network facilities; (2) network coverage; (3) features, functions, and

capabilities of network devices; and (4) security of the design, construction, and operation of the network and associated services and products. Creates s. 119.071(3)(d), F.S. Now in the H. Energy and Utilities Subcommittee.

SB 906 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 HB 551. *Sen. Dana Young (R-Tampa)*

- S. Health Policy Committee: 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 the S. Governmental Oversight and Accountability Committee.

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

- H. Oversight, Transparency and Administration Subcommittee: A lengthy amendment to the constitutionally required statement of public necessity is adopted. Reported favorably as a committee substitute. Now in the H. Insurance and Banking Subcommittee.

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 Garden)*

- H. Children, Families and Seniors Subcommittee: Reported favorably. Now in the H. Oversight, Transparency and Administration Subcommittee.

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)*

- S. Health Policy Committee: A minor amendment is adopted. Reported favorably as a committee substitute. Now in the S. Governmental Oversight and Accountability Committee.

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

- House: Passed the House by a vote of 91/12. Now in Senate Messages. To see the vote, click here: <http://bit.ly/2FFdET9>.

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. Public Integrity and Ethics 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 on the House Calendar.

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