



LEGISLATIVE REPORT

-
- Current action
 - CS** Committee Substitute
 - P** Passed both Chambers
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For Period Ending January 26

COURTS

CRIMINAL JUSTICE and LAW ENFORCEMENT

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>

- H. Oversight, Transparency and Administration Subcommittee: Reported favorably. Now in H. Criminal Justice Subcommittee.

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

EXAMINATIONS AND INVESTIGATIONS

CS/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. Governmental Oversight and Accountability Committee: Reported favorably. Now in the S. Rules 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*

- House: Passed the House unanimously. Now in Senate Messages.

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*

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

HOME ADDRESSES

CS/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, 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 and Human Services Committee: Reported favorably. Now on the House Calendar.

CS/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. Oversight, Transparency and Administration Subcommittee: Reported favorably. Now in the H. Health and Human Services 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)* ???

- H. Oversight, Transparency and Administration Subcommittee: An amendment deleting the exemption for social security numbers is adopted. Reported favorably as a committee substitute. Now in the 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. Rules Committee: Reported favorably by a vote of 11/2, with Senators Bradley and Rodriguez voting no. Now on the Senate Calendar.

HB 7053 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. Similar to SB 1078. *H. Oversight, Transparency and Administration Subcommittee*

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)*

- H. Oversight, Transparency and Administration Subcommittee: Reported favorably by a vote of 9/1, with Rep. Edwards-Walpole voting no. Now in H. Local, Federal and Veterans Affairs Subcommittee.

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)*

- Senate: Rolled to third reading for passage by the Senate.

SB 560 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 HB 439. *Sen. Greg Steube (R-Sarasota)* 😞

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

- S. Rules Committee: Passed by a vote of 10/2, with Senators Bradley and Rodriguez voting no. Now on the Senate Calendar.

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)* 😊

- House: Passed the House unanimously. Now in Senate Messages.

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. Government Accountability Committee: An amendment making minor changes to the bill is adopted; reported favorably as a committee substitute. Now on the House Calendar.

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

SB 738 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. Companion to HB 411. *Sen. Keith Perry (R-Gainesville)*

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

CS/HB 755 Exemption/First Responder Network: 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. Contains definitions. Creates s. 119.071(3)(d), F.S. Similar to SB 988. *Rep. Jayer Williamson (R-Pace)*

- H. Energy and Utilities Subcommittee: Reported favorably. Now in the H. Government Accountability Committee.

SB 988 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. Companion to HB 755. *Sen. Keith Perry (R-Gainesville)*

- S. Governmental Oversight and Accountability Committee: Reported favorably. Now in the S. Rules 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. Insurance and Banking Subcommittee: Reported favorably. Now in the H. Government Accountability Committee.

SOCIAL WELFARE

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. Similar to SB 7016. *H. Oversight, Transparency and Administration Subcommittee*

- House: Passed the House unanimously. Now in Senate Messages.

SB 7016 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. Similar to HB 7011. *S. Agriculture*

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