



LEGISLATIVE REPORT

-
- Current action
 - CS Committee Substitute
 - P Passed both Chambers
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For Period Ending February 2

COURTS

HB 507 Exemption/Email Addresses – Judges and Justices: Creates a public record exemption for the business email addresses of current Supreme Court justices and all judges. Amends s. 119.071(4)(d)2.c., F.S. Similar to SB 1202. *Rep. Sean Shaw (D-Tampa)* ☹

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

- H. Civil Justice and Claims Subcommittee: A minor amendment clarifying that the exemption applies only to the direct business email address of current justices and judges is adopted. Reported favorably as a committee substitute. Now in the Oversight, Transparency and Administration Subcommittee.

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. Criminal Justice Subcommittee: Reported favorably by a vote of 12/1, with Rep. Slosberg voting no. Now in the H. Government Accountability Committee.

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

★ To see our letter on SB 860, click here: <http://bit.ly/2Gy8jxE>

- S. Criminal Justice Committee: An amendment was adopted; reported favorably as a committee substitute by a vote of 5/1, with Sen. Grimsley voting no. As amended, CS/SB 860 requires the Criminal Justice Information Program to administratively seal the criminal history records of minors charged with a felony or misdemeanor upon notification by a clerk of court that charges: were not filed; were

dismissed before trial; or resulted in an acquittal or a verdict of not guilty. Stipulates that a minor whose criminal history record was sealed can seek expunction of a criminal history record. Now in

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

- S. Criminal Justice Committee: A minor technical amendment is adopted. Reported favorably as a committee substitute by a vote of 5/1, with Sen. Grimsley voting no.

CS/HB 1065 Expunction/Criminal History Records: Expands current law to allow the expunction of a criminal history record when a person is found not guilty. Amends s. 943.0585, F.S. Similar to SB 1142. *Rep. Dane Eagle (R-Cape Coral)*

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

SB 1178 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. Similar to HB 653. *Sen. Randolph Bracy (D-Ocoee)* ☹️

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

- S. Criminal Justice Committee: SB 1178 failed in committee by a vote of 2/4, with Senators Bradley, Brandes, Grimsley, and Baxley voting no. A motion was then made to reconsider the vote by which the bill failed, and it was left pending. The bill is still in the S. Criminal Justice Committee.

HB 1317 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)* ☹️

★ To see our letter on HB 1317, click here: <http://bit.ly/2DYl1rS>

- H. Oversight, Transparency and Administration Subcommittee: A lengthy amendment is adopted; reported favorably as a committee substitute. As amended, CS/HB 1317 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 medical examiner has completed the report. Allows access by a surviving spouse or, if no spouse, the surviving parents or legal guardian of the deceased can obtain the report within the 10 day window. Now in the H. Judiciary Committee.

SB 1850 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 HB 1317. *Sen. Linda Stewart (D-Orlando)* ☹️

★ To see our letter on SB 1850, click here: <http://bit.ly/2EAO55Q>

- **S. Health Policy Committee:** A lengthy amendment is adopted; reported favorably as a committee substitute. As amended, CS/SB 1850 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 medical examiner has completed the report. Allows access by a surviving spouse or, if no spouse, the surviving parents or legal guardian of the deceased can obtain the report within the 10 day window. Now in the S. Government Oversight and Accountability Committee.

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*

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

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*

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

EXAMINATIONS AND INVESTIGATIONS

SB 7018 OGSR/Investigations – Complaints of Employee Misconduct: Reenacts without modification complaints of misconduct filed against a public employee, as well as all information obtained while investigating such complaints. Stipulates that the exemption expires once the investigation ceases to be active or until the agency provides the employee with written notice that it has concluded the investigation. Reenacts s. 119.071(2)(k)1., F.S. *S. Ethics and Elections*

SB 7020 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. Similar to HB 7041. *S. Ethics and Elections*

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*

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

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. Rules Committee: An amendment making minor changes is adopted. Reported favorably as a committee substitute by a vote of 11/1, with Senator Bradley voting no. Now on the Senate 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. Health and Human Services Committee: A minor amendment is adopted. Reported favorably as a committee substitute. Now on the House Calendar.

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. Health and Human Services Committee: Reported favorably. Now on the House Calendar.

PERSONAL INFORMATION

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. Similar to HB 7053. *Sen. Keith Perry (R-Gainesville)*

- S. Rules Committee: Reported favorably. 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*

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

PROPRIETARY INFORMATION

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*

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

PUBLIC MEETINGS

HB 79 Public Meetings: Amends and clarifies various provisions of Florida’s open meetings law, adding definitions of “de facto meeting” and “discussion.” Also defines a “meeting” as any gathering, whether formal or informal, of two or more members of the same board or commission. Stipulates that all meetings and de facto meetings at which official acts are to be taken or business is to be transacted or discussed must be open and noticed to the public. Allows fact-finding by members of a board or commission if notice is provided and minutes are taken. Prohibits any action at fact-finding meetings. Also clarifies that members of a board or commission are allowed to socialize with one another. Amends s. 286.011, F.S. Companion to SB 192. *Rep. Rick Roth (R-Palm Beach Gardens)*

- H. Local, Federal and Veterans Affairs Subcommittee: Reported favorably by a vote of 8/2, with Reps. Raburn and Smith voting no. Now in the H. Government Accountability Committee.

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: Passed the Senate unanimously. Now in House Messages.

SB 1380 Public Meetings – Regional Agencies and Planning Councils: Amends the Administrative Procedures Act to allow a voting member of a regional agency or planning council that covers three or more counties who participates via telephone or videoconferencing to be counted towards the quorum requirement of the Act. Stipulates that at least one third of the voting members of such agencies or councils present at the meeting location and that notice of intent to participate remotely be provided at least 24 hours prior to the scheduled meeting. Amends s. 120.525, F.S. Similar to HB 611. *Sen. Jose Javier Rodriguez (D-Miami)*

PUBLIC SAFETY AND SECURITY

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

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

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 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 HB 1127. *Sen. Doug Broxson (R-Pensacola)*

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

SOCIAL WELFARE

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

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

TRANSPARENCY

HB 7057 Budget Transparency: Requires all entities created by general law that are not subject to the legislative appropriations process to prepare and approve an operating budget each fiscal year consistent with the requirements under ch. 216, F.S. Stipulates that each entity's operating budget and all amendments be approved at a public meeting at least 10 day prior to the day the budget takes effect and posted to the entity's website at the time notice of the meeting is given. SB 1588 also contains specific requirements for posting of budgets, amendments, expenditure data, salary information, revenue received and amounts disbursed, and fixed capital outlay project data. Also requires posting of links to state audits or reports and program descriptions, all contracts and amendments executed by the entity, and video recordings and minutes of each meeting where the entity's budget is discussed. Creates s. 215.9851, F.S. Similar to SB 1588. *H. Oversight, Transparency and Administration Subcommittee* 😊

VOTER INFORMATION

CS/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)*

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

CS/SB 278 Exemption/Statewide Voter Registration System: SB 276 authorizes Florida's Department of State to enter into agreements with states in order to verify voter registration information. SB 278 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. Similar to HB 87. *Sen. Travis Hutson (R-Palm Coast)*

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

HB 761 Exemption/Voter Information: Creates a public record exemption the home addresses, dates of birth, telephone numbers and email addresses of registered voters, voter registration applicants, and preregistration voter registration applicants who are 16 or 17 years old. Allows access by the voter or applicant; canvassing boards or election officials; and political parties, candidates, elected officials, and political committees for political purposes only. Amends s. 97.0585, F.S. *Rep. Cyndi Stevenson (R-St. Augustine)* 😞

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

- H. Oversight, Transparency and Administration Subcommittee: A lengthy amendment making minor changes to the bill is adopted. Reported favorably as a committee substitute. Now in the H. Public Integrity and Ethics Committee.

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