



LEGISLATIVE REPORT

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- Current action
- CS** Committee Substitute
P Passed both Chambers
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For Period Ending February 9

CRIMINAL JUSTICE and LAW ENFORCEMENT

CS/SB 298 Expunction of Criminal History Records: Expands current expunction provisions to allow expunction of a criminal history record by those who have been found not guilty of specified misdemeanors in the past 10 years or were acquitted or found not guilty at trial. Amends s. 943.0585, F.S. *Sen. Randolph Bracy (D- Ocoee)*

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

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

SB 1142 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. *Sen. Greg Steube (R-Sarasota)*

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

ENVIRONMENT

SB 808 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 HB 705. *Sen. Dennis Baxley (R-Lady Lake)* ☹️

★ To see our letter on SB 808, click here: <http://bit.ly/2CikIW1>

- S. Environmental Preservation and Conservation Committee: Two amendments are adopted; reported favorably as a committee substitute. As amended, CS/SB 808 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 two weeks before the contract or agreement regarding the purchase, exchange, or disposal of the surplus land is first considered. Allows a district to disclose

exempt valuations and valuation information to potential purchasers under certain, specified conditions. Now in S. the Governmental Oversight and Accountability Committee.

NOTE: The amendment adopted in committee this week addresses concerns raised by the First Amendment Foundation and our position the bill as amended is now neutral.

EXAMINATIONS AND INVESTIGATIONS

SB 1916 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 1916:

- 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) ???*

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*

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

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*

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

HOME ADDRESSES

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

PERSONAL INFORMATION

SB 1920 Exemption/Vessel Registration Information: SB 632 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to issue electronic registration certificates for vessels, to collect email addresses and use email for certain purposes. SB 1920 creates a public record exemption for the email addresses collected by DHSMV. Creates s. 328.80, F.S. *Sen. Bill Montford (D-Tallahassee) ???*

PROPRIETARY INFORMATION

CS/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. CS/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. Government Accountability Committee: An amendment stipulating that contracts or agreements to which an agency is a party, the parties to the contract, financial information, the nature or type of commodities or services purchased, and applicable contract unit prices and deliverables related to such contracts or agreements are *not* a trade secret, is adopted. Reported favorably as a committee substitute. Now on the House Calendar.

PUBLIC RECORDS

CS/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; (2) the parties to the contract or agreement; (3) financial information related to such contracts or agreements, including the amount of money paid, payment structures or plans, expenditures, incentives, fees, or penalties; and (4) information relating to the nature or types of commodities or services purchased, are public records subject to

disclosure. Specifies that exempt information may be redacted prior to disclosure. Amends various statutes and repeals s. 815.045, F.S. Creates s. 119.07135, F.S. Similar to SB 956. *Rep. Ralph Massullo, Jr. (R-Beverly Hills)* 😊

- H. Government Accountability Committee: A number of amendments, some making only minor changes, are adopted; reported favorably as a committee substitute. As amended, CS/HB 459, 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. Specifies that exempt information may be redacted prior to disclosure. Amends various statutes and repeals s. 815.045, F.S. Now on the House Calendar.

PUBLIC SAFETY AND SECURITY

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

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

SOCIAL WELFARE

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 Committee*

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

TRANSPARENCY

HB 7071 Criminal Justice Data Transparency: In pertinent part, requires the Florida Department of Law Enforcement to compile, maintain, and make certain criminal justice data publicly available and readily usable. Creates a pilot project to improve criminal justice data transparency and compliance standards. Creates 900.05, F.S. *H. Judiciary Committee* 😊

VOTER INFORMATION

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)*

- Senate: Tabled; CS/HB 87 substituted and rolled to third reading for final passage.

SB 532 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. *Sen. Tom Lee (R-Brandon)*

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