



## LEGISLATIVE REPORT

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- Current action
  - CS** Committee Substitute
  - P** Passed both Chambers
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For Period Ending February 23

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

**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: Failed on a tie vote. After the unfavorable vote, Senator Brandes made a motion to reconsider the vote by which the bill failed and then a motion to temporarily postpone the vote. After a short recess, the bill was brought back up for a vote, and after Senator Bracy promised to amend the bill at its next stop to exempt only photographs and videos depicting the killing of a person during a school shooting, SB 1178 was reported favorably by a unanimous vote. SB 1178 is now in the S. Government Oversight and Accountability Committee.

**Note:** The Senate Government Oversight and Accountability Committee is not scheduled to meet again before the end of session. However, SB 1178 could be amended – per Senator Bracy’s promise – on the floor. If the bill is amended, FAF will most likely withdraw its opposition.

**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. Judiciary Committee: Reported favorably. Now on the House Calendar.

**CS/SB 1220 Custodial Interrogations:** Requires that custodial interrogations held at detention centers be electronically recorded. If the interrogation occurs elsewhere or is not recorded, then the law enforcement officer conducting the interrogation must prepare a specified report. Creates s. 900.05, F.S. Similar to HB 929. *Sen. Jeff Brandes (R-St. Petersburg)* WATCH

- S. Judiciary Committee: A minor amendment is adopted. Reported favorably as a committee substitute. Now in the Senate Rules Committee.

**CS/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 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. 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/2DY1rS>

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

**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*

- Senate: Tabled; HB 7029 substituted. See HB 7029.

**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*

- Senate: Tabled; HB 7031 substituted. See HB 7031.

**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*

- Senate: Substituted for SB 7000. Rolled to third reading for final passage.

**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*

- Senate: Substituted for SB 7002. Rolled to third reading for final passage.

## ECONOMIC DEVELOPMENT

**SB 1604 Exemption/Applications – Florida Motion Picture Capital Corporation:** SB 1606 creates the Florida Motion Picture Capital Corporation to encourage movie production in Florida by providing financial support for such productions. SB 1604 provides a public record exemption for personal financial records, trade secrets, and proprietary information of those applying for financing. Creates s. 288.1259, F.S. Similar to HB 343. *Sen. Annette Taddeo (D-Miami)*

- S. Commerce and Tourism Committee: Two amendments, one merely technical, are adopted; reported favorably as a committee substitute. As amended, CS/SB 1604 creates public record exemptions for personal financial records, trade secrets, and proprietary information of those applying for financing. Provides definitions of the terms “personal financial information,” “proprietary information,” and “trade secret,” stipulating that contracts or agreements and all related financial information are *not* trade secret and are thus subject to disclosure. Now in the S. Governmental Oversight and Accountability Committee.

**Note:** The amendment to SB 1604 addresses concerns raised by FAF and our position on the bill is changed to neutral.

## 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 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. 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 no longer valid; or (4) when negotiations or marketing efforts are concluded. Amends s. 373.089, F.S. Similar to SB 808. *Rep. Danny Burgess (R-Zephyrhills)*

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

## EXAMINATIONS AND INVESTIGATIONS

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

**HB 7077 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. Similar to SB 7018. *H. Oversight, Transparency and Administration Subcommittee*

- H. Government Accountability Committee: Reported favorably. On the House Special Order Calendar for 2/28.

**HB 7091 Exemption/Sexual Harassment Complaints:** Provides a public record exemption for complaints and any information related to the complaint held by an agency until there's a probable cause determination. Stipulates that the personal identifying information of any witness and the victim remains exempt. Allows access to (1) another government agency in furtherance of its lawful duties and responsibilities; and (2) the alleged victim and the subject of the complaint following a determination that probable cause exists. Creates s. 112.3132(7), F. S. Similar to SB 1916. *H. Government Accountability Committee*

- HB 7091 was introduced on Thursday, 2/21, and was immediately placed on the House Special Order Calendar for Wednesday, 2/28.

## FINANCIAL INFORMATION

**HB 7075 OGSR/OFR - Financial Regulation Payments:** The Office of Financial Regulation (OFR) is required to maintain payment instrument transaction information in a centralized database. HB 7075 reenacts a public record exemption for payment transaction information that identifies a licensee, payor, payee, or conductor contained in the database held by OFR, and amends the exemption to allow OFR to release payment instrument transaction data in the aggregate. "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 and amends s. 560.312, F.S. Similar to SB 7010. *H. Oversight, Transparency and Administration Subcommittee*

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

## HOME ADDRESSES

**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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- House: Passed the House by a vote of 105/9. Now in Senate Messages. To see who voted how on this bill, click here: <http://bit.ly/2GBYRsc>.

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

**SB 1364 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 HB 1055.

*Sen. Kevin Rader (D-Boca Raton) ???*

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

### 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)*

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

**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*

- House: Passed unanimously. Now in Senate Messages.

### 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 is clearly marked as such. CS/HB 461 stipulates 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. Creates s. 688.01, F.S. Similar to SB 958. *Rep. Ralph Massullo, Jr. (R-Beverly Hills)*

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

**HB 7081 Exemption/Department of Lottery:** Currently, s. 24.105(12), F.S., allows the Department of Lottery (DOL) to decide by rule which of its records will be exempt from public disclosure. HB 7081 repeals that authority and transfers – but does not expand – all exemptions found in the DOL to a newly created s. 25.1051. Those transferred exemptions include (1) information related to the security or integrity of the department; (2) information about lottery games and terminals or devices that issue tickets; (3) information that must be protected pursuant to a multistate lottery association or game; (4) personal identifying information contained in background investigations of potential retailers or vendors; (5) financial information provided to the DOL that is not publicly available, stipulating, however, that all financial information related to any contract is *not* exempt; and (1) the street address and telephone number of a lottery winner. Transfers and renumbers s. 24.105(12); creates s. 24.1051. *H. Government Accountability Committee*

- House: Passed unanimously. Now in Senate Messages.

## 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; 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. 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)* 😊

- House: Passed the House by a vote of 112/2, with Reps. Beshears and LaRosa voting no. Now in Senate Messages.

**SPB 7024 Shell Bill/Public Records:** Expresses legislative intent to amend the public records law. *S. Rules Committee*

**NOTE:** This is the first time in years that we've seen a shell bill – basically, a placeholder that will be amended to change the public records law. It used to be common practice for the Senate to file shell bills – we called them “silent stinkers” because you never know what language will be added. This bill was reported on February 21 and is scheduled for consideration by the Senate Rules Committee on February 26. We'll report on any amendment to the bill as soon as we can.

## PUBLIC SAFETY AND SECURITY

**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)*

- House: Passed the House by a vote of 108/5. Now in Senate Messages. To see who voted how on this bill, click here: <http://bit.ly/2oo5tnx>.

**HB 7079 Exemption/Personal Information – Disaster Response:** Creates a public record exemption for the name, address, and telephone number of a person using a public shelter during an emergency. Also creates an exemption for the name, address, and telephone number of a homeowner or tenant held by an agency for the purpose of providing or receiving damage assessment data following a disaster. Creates ss. 252.385(5) and 252.64. *H. Oversight, Transparency and Administration Subcommittee*

- H. Government Accountability Committee: Reported favorably. Now on the House Special Order Calendar for 2/28.

## 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*

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

## TRANSPARENCY

**SB 1426 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 HB 7. *Sen. Tom Lee (R-Brandon)* WATCH

- S. Appropriations Committee: Reported favorably by a vote of 12/8. Now in the S. Rules Committee. To see who voted how on this bill, click here: <http://bit.ly/2EPsPMP>

**CS/SB 1678 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. Similar to HB 7071. *Sen. Kelli Stargel (R-Lakeland)* 😊

- S. Judiciary Committee: A strike-all amendment deleting all provisions in the bill relating to the compilation, maintenance, and reporting of criminal justice data. Reported favorably as a committee substitute. Now in the Senate Rules Committee.

**Note:** As a result of the strike-all amendment in the Senate Judiciary Committee, the FAF will be withdrawing its support of CS/SB 1678. We will retain the bill on our tracking list as a WATCH.

**CS/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. HB 7057 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. Stipulates that statewide entities created by general law or the State Constitution are subject to the new requirements but direct support organizations are not. Creates s. 215.9851, F.S. *H. Oversight, Transparency and Administration Subcommittee* 😊

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

**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* 😊

- House: Various amendments including a statement of legislative intent are adopted. Passed as amended by a vote of 112/1, with Rep. Mercado voting no. Now in Senate Messages.

## VOTER INFORMATION

**P 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)*

- Senate: Passed unanimously. PASSED THE LEGISLATURE.

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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.*