



LEGISLATIVE REPORT

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

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*

- Senate: Passed unanimously. Now in House Messages.

CRIMINAL JUSTICE and LAW ENFORCEMENT

HB 653 Exemption/Photographs and Videos Depicting the Killing of a Person: Expands the public record exemption for photographs, videos, or audio recordings depicting the killing of a law enforcement officer while on active duty to exempt all photographs, videos, or audio recordings depicting the “killing of a person.” “Killing of a person” is 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.” Expands 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>

- House: A strike-all amendment is adopted. As amended, HB 653 expands the current exemption for photographs, videos, or audio recordings depicting the killing of a law enforcement officer while on active duty to also exempt photographs, videos, or audio recordings depicting the killing of a victim of a school shooting or a victim of a mass shooting. Defines the phrases “killing of a victim of a mass shooting” and “killing of a victim of a school shooting” to include all acts or events that relate to the death of a person of such shootings, specifically excluding the perpetrator. Rolled to third reading for passage by the House.

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 ss. 943.0585 and 943.059, F.S. Similar to SB 1142. *Rep. Dane Eagle (R-Cape Coral)*

- House: A minor amendment is adopted and rolled to third reading for passage by the House.

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

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) ☹️*

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

P 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: Passed the Senate unanimously. **PASSED THE LEGISLATURE**

P 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: Passed the Senate unanimously. **PASSED THE LEGISLATURE**

ENVIRONMENT

CS/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 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. Amends s. 373.089, F.S. Similar to HB 705. *Sen. Dennis Baxley (R-Lady Lake)*

- S. Rules Committee: Reported favorably by a vote of 11/1, with Sen. Rodriguez voting no. Now on the Senate 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*

- Senate: Tabled; HB 7013 substituted. See HB 7013.

P 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*

- Senate: Substituted for SB 7006. Passed the Senate unanimously. **PASSED THE LEGISLATURE**

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

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*

- Senate: Tabled; HB 7041 substituted. See HB 7041.

P 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*

- Senate: Substituted for SB 7020. Passed the Senate unanimously. **PASSED THE LEGISLATURE**

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*

- House: Passed the House by a vote of 113/1, with Rep. Smith voting no. Now in Senate Messages.

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*

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

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. Similar to HB 7075. *S. Banking and Insurance Committee* 😞

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

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*

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

HOME ADDRESSES

CS/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, 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. Rules Committee: Reported favorably. Now on the Senate Calendar.

SB 7024 Exemption/Home Addresses – Victims of Crimes of Mass Violence: Creates a public record exemption for the home address and addresses of immediate family members of a victim of a crime of mass violence that occurred at a school or university. Amends s. 119.071(2)(o), F.S. Similar to HB 7105. *S. Rules Committee* 😞

- S. Rules Committee: Reported favorably.

- S. Appropriations Committee: Reported favorably. Now on the Senate 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)*

- Senate: Tabled; HB 7053 substituted. See HB 7053.

P 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*

- Senate: Substituted for SB 1078. Passed the Senate unanimously. **PASSED THE LEGISLATURE**

PROPRIETARY INFORMATION

CS/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. Rules Committee: A minor amendment is adopted. Reported favorably as a committee substitute. Now on the Senate Calendar.

SB 7008 OGSR/Electric Utility – Proprietary Business Information: Reenacts, with minor modification, the public record exemption for proprietary confidential business information provided by a private or out-of-state entity to a public electric utility in connection with the utility's due diligence review of an electric project or a project to improve the delivery, cost, or diversification of fuel or renewable energy resources. Defines "proprietary confidential business information" as information provided to an electric utility by an entity which is private in that disclosure of the information would cause harm to the entity's business operations and which has not otherwise been disclosed, and includes (1) trade secrets; (2) internal audit controls and reports of internal auditors; (3) security measures, systems, or proceedings; (4) information concerning bids and other contractual data; and (5) information relating to competitive interests. Stipulates that all proprietary confidential business information must be retained for one year after the due diligence review has been completed. Reenacts s. 119.0713(4), F.S. Similar to HB 7095. *S. Communications, Energy, and Public Utilities Committee*

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

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. Similar to HB 7097. *S. Banking and Insurance Committee*

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

HB 7095 OGSR/Electric Utility – Proprietary Business Information: Reenacts, with minor modification, the public record exemption for proprietary confidential business information provided by a private or out-of-state entity to a public electric utility in connection with the utility’s due diligence review of an electric project or a project to improve the delivery, cost, or diversification of fuel or renewable energy resources. Defines “proprietary confidential business information” as information provided to an electric utility by an entity which is private in that disclosure of the information would cause harm to the entity’s business operations and which has not otherwise been disclosed, and includes (1) trade secrets; (2) internal audit controls and reports of internal auditors; (3) security measures, systems, or proceedings; (4) information concerning bids and other contractual data; and (5) information relating to competitive interests. Stipulates that all proprietary confidential business information must be retained for one year after the due diligence review has been completed. Reenacts s. 119.0713(4), F.S. Similar to SB 7008. *H. Government Accountability Committee*

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

HB 7097 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. Similar to SB 7012. *H. Government Accountability Committee*

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

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 formal, 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. Government Accountability Committee:** A proposed committee substitute is adopted and reported favorably. CS/HB 79 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 (1) notice is provided; (2) the public is allowed to attend; and (3) minutes are taken. Prohibits any action at fact-finding meetings. Now on the House Calendar.

NOTE: The proposed committee substitute approved by the H. Government Accountability Committee addresses the concerns raised by the FAF and our position is changed to support. 😊

PUBLIC SAFETY AND SECURITY

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

- **Senate:** Substituted for SB 988. Passed the Senate unanimously. **PASSED THE LEGISLATURE**

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. Similar to HB 755. *Sen. Keith Perry (R-Gainesville)*

- **Senate:** Tabled; CS/HB 755 substituted. See CS/HB 755.

SB 1940 Exemption/School Safety: SB 7026 creates the School Safety Awareness Program that in part requires creation of a mobile suspicious activity reporting tool that allows the reporting of information concerning suspicious activities to appropriate public safety agencies and school officials. Also creates the Marjory Stoneman Douglas High School Public Safety Commission and establishes a process for the designation of school marshals who will be allowed to carry weapons on school grounds. SB 1940 creates (1) a public record exemption for the identity of those who report such information; (2) an exemption for portions of meetings of the Commission at which exempt information is discussed; and (3) a public record exemption for information that would identify those who have been appointed as a school marshal. Creates ss. 943.082(6) and 943.687(7); amends s. 1006.12, F.S. Similar to HB 7103. *Sen. Bill Galvano (R-Bradenton)* 😞

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

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, F.S. *H. Oversight, Transparency and Administration Subcommittee*

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

SOCIAL WELFARE

CS/SB 424 Exemption/Elder Abuse Fatality Review Teams: SB 422 creates elder abuse fatality review teams in each judicial circuit. SB 424 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 HB 261. *Sen. Audrey Gibson (D-Jacksonville)*

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

P 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*

- Senate: Substituted for SB 7016. Passed the Senate unanimously. **PASSED THE LEGISLATURE**

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*

- Senate: Tabled; HB 7011 substituted. See HB 7011.

TRANSPARENCY

SB 1426 Local Government Fiscal Transparency: In pertinent part, requires local governments to post budgets and 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. 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. Rules Committee: An amendment requiring tentative budgets be retained on a local government's website for at least 45 days and the final budget for at least two years is adopted. Reported favorably as a committee substitute by a vote of 7/5. Now on the Senate Calendar. To see who voted how, click here: <http://bit.ly/2oCvwqR>.

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 days 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, is adopted. Creates s. 215.9851, F.S. Similar to SB 1588. *H. Oversight, Transparency and Administration Subcommittee* 😊

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

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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.