



# 2018 LEGISLATIVE UPDATE

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# GUIDE TO REVIEWING LEGISLATION



# Guide to Reviewing Legislation

Text of bills that have passed the Legislature (enrolled). Locate these at [flsenate.gov](http://flsenate.gov) by typing in the bill number in the box called “Go to Bill”. Type only the number of the bill, not HB or SB.

You may access a PDF of the final bill as passed by the Legislature. Be sure that it says “enrolled” on the top corner; this way you know you have the final passed version, not an earlier proposal.

# Guide to Reviewing Legislation

2018 Laws of Florida. These bills have been signed by the Governor and are now law. They will be incorporated into the Florida Statutes.

The Laws of Florida contain two items which are included in the bill but not in the Florida Statutes. The law creating the exemption will contain a section explaining the reason why the Legislature adopted the exemption as required by Article I s. 24, Fla.

Constitution. In addition, each new exemption will have an effective date. The effective date is either “upon becoming a law” which is the date that the Governor signs the bill; or another specified date, typically July 1, 2018 or October 1, 2018.

The easiest way to locate the 2018 Laws of Florida is at [flsenate.gov](http://flsenate.gov) by accessing the “laws” site at the bottom of the home page.

# Guide to Reviewing Legislation

## 2018 Florida Statutes:

You can locate the statutes online at [flsenate.gov](http://flsenate.gov). You can also use the link at the searchable database portion of the AG Opinions site at [myfloridalegal.com](http://myfloridalegal.com). The 2018 statutes should be available by June.

# Guide to Reviewing Legislation

Difference between exempt and confidential records

# Guide to Reviewing Legislation

Retroactive application

Example: Ch. 18-146, Laws of Florida, fire safety system plans

# Guide to Reviewing Legislation

## Definition of key terms

- Authorized disclosure—who is entitled to obtain the exempt or confidential records and under what conditions, if any
- Penalties for unauthorized disclosure



2018 LEGISLATIVE  
HIGHLIGHTS: BILLS THAT  
PASSED THE LEGISLATURE



# 2018 Legislative Highlights: Bills that Passed the Legislature

## **Address of victims of mass violence:**

Chapter 18-02, Laws of Florida (SB 7024) provides that the address of a victim of an incident of mass violence is exempt from public disclosure requirements. An incident of mass violence is defined as “an incident in which 4 or more people, not including the perpetrator, are severely injured or killed by an intentional and indiscriminate act of violence of another.”

Effective date: March 9, 2018 (the date that the Governor signed SB 7024 into law). Creating s. 119.071(2)(o), F.S.

# 2018 Legislative Highlights: Bills that Passed the Legislature

## **Citizens Property Insurance Corporation/information technology security:**

Chapter 18-65, Laws of Florida (CS/CS HB 1127) establishes confidentiality for specified records of Citizens which identify detection, investigation, or response practices for suspected or confirmed information technology security incidents as well as those portions of risk assessments of the information technology resources, if disclosure would facilitate unauthorized access to or modification of those resources. Also creates an exemption from the Sunshine Law for those portions of a meeting which reveal such data and information.

Effective date: March 21, 2018 (the date that the Governor signed CS/CS HB 1127 into law). Creating s. 627.352, F.S.

# 2018 Legislative Highlights: Bills that Passed the Legislature

## **Fire safety system plans:**

Chapter 18-146, Laws of Florida (HB 411) provides confidentiality for fire safety system plans by adding these materials to the current exemptions from disclosure for security system plans.

Effective date: April 6, 2018. Amending ss. 119.071(3)(a), 281.301, and 286.0113, F.S

# 2018 Legislative Highlights: Bills that Passed the Legislature

## **Health care facility security:**

Chapter 18-53, Laws of Florida (CS/CS HB 551) amends the public records exemption for blueprints of specified entities which are held by an agency to add health care facilities.

Effective date: March 21, 2018 (the date that the Governor signed CS/CS HB 551 into law). Amending s. 119.071(3)(c), F.S.

# 2018 Legislative Highlights: Bills that Passed the Legislature

## **Home addresses:**

Currently, the home addresses, telephone numbers, and other specified personal information about certain public officers and employees and their families are exempt. This year the Legislature added several new categories of covered individuals as follows:

# 2018 Legislative Highlights: Bills that Passed the Legislature

## **Home addresses:**

Current or former public guardians and “employees with fiduciary responsibility,” as that term is defined in the exemption. An agency that is the custodian of the exempt information shall maintain the exempt status only if the affected individuals submit to the custodial agency a written request for maintenance of the exemption.

Effective date: July 1, 2018. Chapter 18-16, Laws of Florida (CS/CS SB 268), creating s. 744.21031, F.S.

# 2018 Legislative Highlights: Bills that Passed the Legislature

## Home addresses:

Current or former directors, managers, supervisors, nurses, and clinical employees of an “addiction treatment facility,” as that term is defined in the exemption.

Effective date: July 1, 2018. Chapter 18-64, Laws of Florida (CS HB 1055), amending s. 119.071(4)(d)2., F.S.



# 2018 Legislative Highlights: Bills that Passed the Legislature

## **Home addresses:**

Current or former directors, managers, supervisors, and clinical employees of a child advocacy center that meets the standards of cited statute as well as members of the child protection team as described in cited statute, whose duties including supporting the investigation of child abuse or sexual abuse, child abandonment, child neglect, and child exploitation or to provide services as part of a multidisciplinary case review team. An agency that is the custodian of the exempt information shall maintain the exempt status only if the affected individuals submit to the custodial agency a written request for maintenance of the exemption.

Effective date: July 1, 2018. Chapter 18-147, Laws of Florida (HB 417), amending s. 119.071(4)(d)2., F.S.

# 2018 Legislative Highlights: Bills that Passed the Legislature

## **Nationwide Public Safety Broadband Network:**

Chapter 18-60, Laws of Florida (CS/HB 755) provides that information relating to the National Public Safety Broadband Network established in cited federal law which is held by an agency is confidential and exempt if release of such information would reveal information specified in the exemption.

Effective date: July 1, 2018, amending s. 119.071(3), F.S.

# 2018 Legislative Highlights: Bills that Passed the Legislature

## **School Safety:**

Chapter 18-01, Laws of Florida (SB 1940) contains three exemptions relating to school safety programs as established in Ch. 18-03, Laws of Florida.

# 2018 Legislative Highlights: Bills that Passed the Legislature

## **School Safety:**

The identity of the reporting party received through the mobile suspicious activity reporting tool (MSART) and held by the Florida Department of Law Enforcement, law enforcement agencies, or school officials is confidential. Any other information received through the MSART and held by these agencies is exempt. Creating s. 943.082(6), F.S.

# 2018 Legislative Highlights: Bills that Passed the Legislature

## **School Safety:**

Portions of Marjory Stoneman Douglas High School Public Safety Commission meetings at which exempt or confidential information is discussed are made exempt from the Sunshine Law. Creating s. 943.687(8), F.S.

# 2018 Legislative Highlights: Bills that Passed the Legislature

## **School Safety:**

Any information that would identify whether an individual has been appointed as a safe-school officer pursuant to this section held by a law enforcement agency, school district or charter school is exempt. Creating s. 1006.12(4), F.S.

# 2018 Legislative Highlights: Bills that Passed the Legislature

## **School Safety:**

Effective date: The effective date is the same as that established in Ch. 18-03, Laws of Florida. That legislation became effective on March 9, 2018, the date the Governor signed the bill into law.

# 2018 Legislative Highlights: Bills that Passed the Legislature

## **Surplus lands:**

Chapter 18-156, Laws of Florida (HB 705) provides that a written valuation of surplus lands held by a water management district, related documents used to form or which pertain to the valuation, and written offers to purchase surplus lands are confidential and exempt until two weeks before the contract or agreement regarding the purchase, exchange, or disposal of the surplus land is first considered. Prior to expiration of the exemption disclosure is authorized under the circumstances set forth in the exemption. Amending s. 373.089, F.S.

Effective date: The effective date is the same as established in Ch. 18-155, Laws of Florida, which is July 1, 2018.



# 2018 Legislative Highlights: Bills that Passed the Legislature

## **U.S. Census Bureau/address information:**

Chapter 18-77, Laws of Florida (HB 7053) provides that United States Census Bureau address information, including maps showing structure location points, agency records that verify addresses, and agency records that identify address errors or omissions, which is held by an agency pursuant to the Local Update of Census Address Program authorized under cited federal law is confidential and exempt.

Effective date: March 21, 2018 (the date the Governor signed the bill into law). Creates s. 119.071(1)(g), F.S.

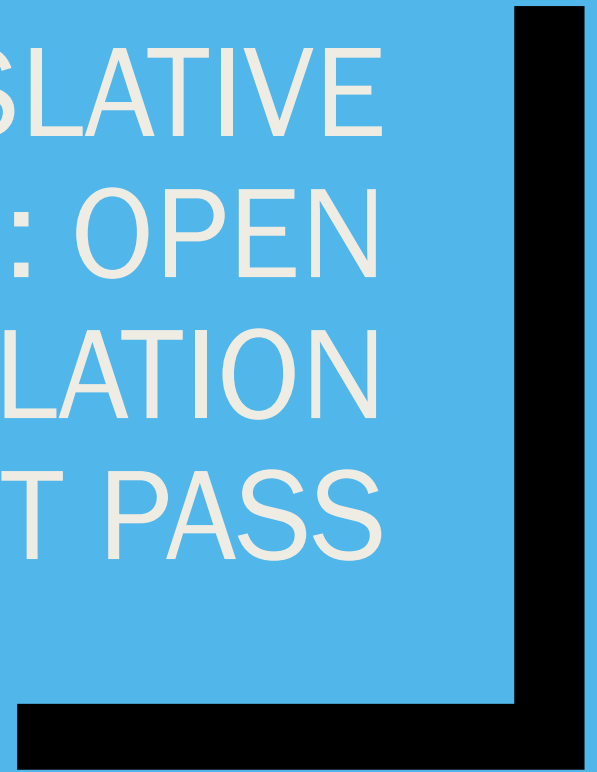
# 2018 Legislative Highlights: Bills that Passed the Legislature

## **Voter registration verification:**

Chapter 18-32, Laws of Florida authorizes the Department of State to become a member of a nongovernmental entity to verify voter registration information. Chapter 18-33, Laws of Florida, provides that information received by the Department from other states or the District of Columbia which is confidential or exempt pursuant to the laws of that state is exempt from disclosure. The information shall be provided to the supervisors of election to conduct registration list maintenance activities.

Effective date: January 1, 2019, which is the effective date of Chapter 18-32, Laws of Florida. Amends s. 98.075, F.S.

2018 LEGISLATIVE  
HIGHLIGHTS: OPEN  
GOVERNMENT LEGISLATION  
WHICH DID NOT PASS



# 2018 Legislative Highlights: Open Government Legislation Which Did Not Pass

## **Sunshine Law/Fact-finding meetings:**

SB 192 would have allowed “fact-finding” meetings if notice and minutes were provided and no action was taken at the “fact-finding” meeting. The bill would have clarified that social gatherings were not prohibited. This bill passed the Senate but died in House Messages.

# 2018 Legislative Highlights: Open Government Legislation Which Did Not Pass

## **Public Records/Civil actions:**

HB 273 would have prohibited agencies from filing a civil action in response to a public records request. The bill passed the House but died in Senate Messages.

# 2018 Legislative Highlights: Open Government Legislation Which Did Not Pass

## **Public Records/Photographs and videos depicting the killing of a person:**

As amended, HB 673 would have expanded the exemption in s. 406.136 to include a photograph or video of the killing of a victim if a school shooting or the victim of a mass shooting. This bill was approved in the House and died in Senate messages.



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