

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/HB 49 — Drug Paraphernalia

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Rouson and others
(CS/CS/SB 1140 by Appropriations Committee; Criminal Justice Committee; and Senator Stargel)

The bill prohibits the retail sale of certain smoking pipes and devices when those smoking pipes and devices are drug paraphernalia. Current law lists what items may be considered “drug paraphernalia” if they meet the definition of that term. The fact-finder must consider statutorily-specified factors and other factors in determining whether an item is drug paraphernalia.

The bill makes it unlawful for a person to knowingly and willfully sell or offer for sale at retail certain drug paraphernalia, which are objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, hashish oil, or nitrous oxide into the human body. Pipes primarily made of briar, meerschaum, clay, or corn cob are specifically excluded. A first violation is a first degree misdemeanor; a second or subsequent violation is a third degree felony.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 31-2; House 112-3

THE FLORIDA SENATE
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Committee on Criminal Justice

CS/CS/SB 92 — Searches and Seizures

by Judiciary Committee; Criminal Justice Committee; and Senators Negron, Brandes, Evers, Bradley, and Benacquisto

The bill creates the “Freedom from Unwarranted Surveillance Act,” which prohibits law enforcement agencies from using drones to gather evidence or other information, unless:

- The U.S. Secretary of Homeland Security determines that credible intelligence exists indicating a high risk of a terrorist attack by an individual or organization.
- The law enforcement agency first obtains a search warrant authorizing the use of a drone.
- The law enforcement agency has reasonable suspicion that swift action is necessary to prevent imminent danger to life, such as to facilitate the search for a missing person, to prevent serious damage to property, or to forestall the imminent escape of a suspect or the destruction of evidence.

Evidence gathered in violation of the bill is inadmissible in a criminal prosecution in any court of law in this state. Provisions are made for civil actions by an aggrieved party against a law enforcement agency that violates the prohibitions in the bill.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 39-0; House 117-0

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CS/SB 294 — Controlled Substances

by Appropriations Committee and Senator Bradley

A recent trend in drug abuse is the creation of chemical compounds called “synthetic drugs.” These drugs mimic the effects of cocaine, methamphetamine, and hallucinogens and have significant, and often dangerous, side effects. Unless these drugs are scheduled as controlled substances, sellers of these drugs will avoid arrest and prosecution. For this reason, in 2011 and 2012, the Legislature identified and scheduled synthetic drugs as Schedule I controlled substances.

The bill is a continuation of the Legislature’s efforts to schedule synthetic drugs as they are identified. The bill codifies the Schedule I scheduling of the substances listed in the Attorney General’s emergency rule issued on December 11, 2012, that temporarily scheduled several new synthetic cannabinoids, cathinones, and phenethylamines as Schedule I controlled substances. The Attorney General filed this emergency rule to address the public safety risk of new synthetic substances being sold and abused in Florida. As a result of this scheduling, persons who engage in certain unlawful acts involving these substances may be subject to arrest and prosecution.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 118-0

THE FLORIDA SENATE
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Committee on Criminal Justice

CS/HB 311 — Costs of Prosecution, Investigation, and Representation

by Justice Appropriations Subcommittee and Rep. Ray (CS/SB 288 by Judiciary Committee and Senator Bradley)

The bill adds the costs of prosecution and the costs of representation by the public defender to the list of costs a clerk of the court is required to withhold from the return of a cash bond posted on behalf of a criminal defendant by a person other than a bail bond agent. If such payments are not made from the cash bond, the clerk is required to obtain payment from a defendant or, if sufficient funds are not available, require the defendant to enroll in a payment plan. Cash bond forms must display notice of the funds being subject to forfeiture for payment of costs of prosecution as well as other costs, fees, and fines.

The bill requires the clerk of the court to collect and disburse costs of prosecution in all cases, regardless of whether the cases are disposed of before a judge in open court. These particular cases include criminal traffic violations in which the defendant may elect to show proof of compliance to the clerk and enter a plea of no contest.

The bill also requires that costs of prosecution be assessed for juveniles who have been adjudicated delinquent or have adjudication of delinquency withheld; however, the court may order the juvenile to complete community service in lieu of paying the cost if the court finds that the juvenile is unable to pay the cost.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 37-0; House 116-0

THE FLORIDA SENATE
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Committee on Criminal Justice

CS/HB 361 — Public Meetings/Criminal Justice Commissions

by Criminal Justice Subcommittee and Reps. Kerner, Campbell, and others (SB 1042 by Senator Abruzzo)

The bill creates a public meetings exemption for that portion of a meeting of a “duly constituted criminal justice commission” (commission) at which members of the commission discuss active criminal intelligence information or active criminal investigative information that is currently being considered by, or which may foreseeably come before, the commission, provided that at any public meeting at which such matter is being considered, the commission members publicly disclose the fact that the matter has been discussed.

The bill defines the term “duly constituted criminal justice commission” as an advisory commission created by municipal or county ordinance whose membership is comprised of individuals from the private sector and the public sector and whose purpose is to examine local criminal justice issues.

The bill specifies that the exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature. The bill also provides a statement of public necessity for the exemption as required by the State Constitution.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 35-1; House 112-0

THE FLORIDA SENATE
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HB 407 — Criminal Gang Prevention

by Rep. Ingram and others (SB 788 by Senators Abruzzo and Evers)

The legislation does the following to enhance criminal gang intervention and prevention:

- Increases the misdemeanor criminal penalties for specified trespassing offenses in school safety zones by a person convicted of gang-related offenses (becomes a first instead of a second degree misdemeanor);
- Increases the felony criminal penalties for intentionally causing, encouraging, soliciting, or recruiting a person under 13 years of age to become a gang member (becomes a second instead of a third degree felony, except if it is a second or subsequent recruiting conviction, it becomes a first degree felony);
- Authorizes a county or municipal detention facility to designate a person to be responsible for assessing whether an inmate is a criminal gang member or associate and if so, report it to the arresting law enforcement agency; and
- Amends the criminal gang multiplier in s. 921.0024, F.S., so that the multiplier will be able to be applied with a finding by the judge (rather than the jury) that the defendant committed the offense for the purpose of benefitting, promoting, or furthering the interests of a criminal gang in instances where the lowest permissible sentence does not exceed the statutory maximum sentence for the offense.

If approved by the Governor, these provisions take effect October 1, 2013.

Vote: Senate 38-0; House 116-2

THE FLORIDA SENATE
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Committee on Criminal Justice

CS/HB 585 — Law Enforcement

by Criminal Justice Subcommittee and Rep. Hood and others (CS/SB 1434 by Criminal Justice Committee and Senator Evers)

The bill amends numerous statutes relating to the operations and duties of the Florida Department of Law Enforcement (FDLE). The major substantive changes the bill makes include:

- Authorizing counties and cities to require, by ordinance, employment screening of private contractors and other positions noted in the statutes who are subject to licensing or regulation by the county or city or who have contact with members of the public or access to any public facility or publicly operated facility in such a manner that the county or city finds that preventing unsuitable persons from having such contact or access is critical to security or public safety.
- Revising duties concerning missing person reporting.
- Specifying additional items to be reported by persons required to register as sexual offenders.
- Requiring state agencies and governmental subdivisions, prior to making any decision to appoint or employ a person to work at specified locations, to conduct a search of that person's identifying information through the national sexual offender public website.
- Redesignating the statewide automated fingerprint identification system as the statewide automated biometric identification system.
- Revising matters relating to the Florida Violent Crime and Drug Control Council and its committees.
- Requiring the collection of additional information from persons charged with or convicted of specified offenses.
- Requiring the Domestic and Repeat Violence Injunction Statewide Verification System maintained by the FDLE to include injunctions to prevent child abuse.
- Increasing the period in which a minor may seek expunction of a nonjudicial arrest record following diversion, and conditioning eligibility on the qualifications of the applicant rather than on those of the diversion program in which he or she participates.
- Clarifying that a person may only seal or expunge a record if the person has never before sealed or expunged a record (except in specified instances), and removing references to having received an expunction or sealing "from any jurisdiction outside the state" as a disqualifier for seeking expunction or sealing in Florida.
- Providing for accreditation of correctional facilities, public agency offices of inspectors general, and pretrial diversion programs.
- Revising language relating to testing services provided to defendants by state-operated analysis laboratories.
- Adding the following property to the list of regulated metal property which secondary metals recyclers may only purchase if certain conditions are met: more than two lead-acid batteries, or any part or component thereof, in a single purchase or from the same individual in a single day.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 36-0; House 119-0

THE FLORIDA SENATE
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Committee on Criminal Justice

CS/HB 611 — False Reports to Law Enforcement Officers

by Criminal Justice Subcommittee and Rep. Watson and others (CS/SB 400 by Criminal Justice Committee and Senator Dean)

It is a first degree misdemeanor to knowingly giving false information to a law enforcement officer regarding the alleged commission of a crime. The bill increases the degree of this offense to a third degree felony if the person committing this offense has a previous conviction for this offense and one of two circumstances applies. In the first circumstance, the information the person gave to the law enforcement officer was communicated orally and the officer's account of that information is corroborated by an audio recording or audio recording in a video of that information, a written or recorded statement made by the person who gave that information, or another person who was present when that information was given to the officer and heard that information. In the second circumstance, the information the person gave to the officer was communicated in writing.

If approved by the Governor, these provisions take effect October 1, 2013.

Vote: Senate 37-0; House 113-3

THE FLORIDA SENATE
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CS/CS/HB 617 — Juvenile Justice Circuit Advisory Boards and Juvenile Justice County Councils

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Pilon and others (CS/CS/SB 676 by Judiciary Committee; Criminal Justice Committee; and Senator Evers)

The legislation redesignates juvenile justice circuit boards as juvenile justice circuit advisory boards (boards). The boards will exist in each of the 20 judicial circuits. The bill eliminates statutory authority for juvenile justice county councils. However, except in single-county circuits, a county organization will represent each of the counties in the circuit and report to the board on the juvenile justice needs of the county.

The bill establishes duties and responsibilities of the board, including developing a comprehensive plan for the circuit; facilitating interagency cooperation and information sharing; recommending grants to support the comprehensive plan; making recommendations to the Department of Juvenile Justice (DJJ) on prevention and early intervention grant programs; and providing an annual report to the DJJ on board activities.

The bill removes the cap on the number of board members authorized, which is currently 18, and instead requires a minimum of 16 members. The bill specifies the composition of board members and quorum requirements and requires a majority vote to approve measures or positions of the board. Provisions of the bill detail how appointments will be made to the initial juvenile justice circuit advisory boards and the method in which future vacancies will be filled.

The DJJ is responsible for:

- Approving the appointment of certain members to a board.
- Developing format and content requirements for the bylaws of a board and approving the bylaws of each board.
- Developing format and content requirements for comprehensive plans prepared by boards.

If approved by the Governor, these provisions take effect October 1, 2013.

Vote: Senate 39-1; House 117-0

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HB 685 — Parole Interview Dates for Certain Inmates

by Rep. McBurney and others (SB 742 by Senator Evers)

This legislation permits the Florida Parole Commission to increase the interval between parole interviews to seven years for offenders convicted of kidnapping or attempted kidnapping, or of a completed or attempted offense of robbery, burglary of a dwelling, burglary of a structure or conveyance, or breaking and entering, when a human being is present and a sexual act is completed or attempted. Offenders who have committed those offenses are currently interviewed at two year intervals.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 34-1; House 118-0

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CS/CS/HB 691 — Personal Identification Theft

by Judiciary Committee; Criminal Justice Subcommittee; and Reps. Ahern, Grant, and others
(CS/SB 1126 by Criminal Justice Committee and Senators Joyner and Stargel)

The bill makes it unlawful for a person to intentionally or knowingly possess, without authorization, the personal identification information of another person in any form. It is a first degree misdemeanor if a person commits this act and in doing so possesses the personal identification information of four or fewer persons. It is a third degree felony if the person commits this act and in doing so possesses the personal identification information of five or more persons.

“Personal identification information,” as defined in the bill, means a person’s social security number, official state-issued or United States-issued driver license or identification number, alien registration number, government passport number, employer or taxpayer identification number, Medicaid or food assistance account number, bank account number, credit or debit card number, and medical records.

Proof that a person used or was in possession of the personal identification information of five or more individuals, unless satisfactorily explained, gives rise to an inference that the person who used or was in possession of the personal identification information did so knowingly and intentionally without authorization.

The offense does not apply to any of the following persons:

- A person who is the parent or legal guardian of a child and who possesses the personal identification information of that child.
- A person who is the guardian of another person and who is authorized to possess the personal identification information of that other person and make decisions regarding access to that personal identification information.
- An employee of a governmental agency who possesses the personal identification information of another person in the ordinary course of business.
- A person who is engaged in a lawful business and possesses the personal identification information of another person in the ordinary course of business.
- A person who finds a card or document issued by a governmental agency which contains the personal identification information of another person and who takes reasonably prompt action to return that card or document to its owner, to the governmental agency that issued the card or document, or to a law enforcement agency.

It is an affirmative defense to the alleged violation if the person who possesses the personal identification information of another person:

- Did so under the reasonable belief that such possession was authorized by law or by the consent of the other person; or
- Obtained that personal identification information from a forum or resource that is open or available to the general public or from a public record.

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Prosecution of this new offense does not preclude prosecution for the unlawful possession of personal identification information under any other law, including prosecution for the criminal use of personal identification information that was otherwise lawfully possessed.

If approved by the Governor, these provisions take effect October 1, 2013.

Vote: Senate 38-0; House 119-0

THE FLORIDA SENATE
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CS/HB 731 — Public Records/Spouses and Children of Law Enforcement and Agency Personnel

by Criminal Justice Subcommittee and Reps. Kerner, Campbell, and others (CS/SB 376 by Rules Committee and Senator Hays)

This legislation expands an existing public records exemption for certain personal identification and location information for specified law enforcement personnel (including Department of Corrections officers and correctional probation officers, Department of Children and Families abuse and exploitation investigators, Department of Health child abuse investigators, and Department of Revenue collection and enforcement personnel), assistant state attorneys, state attorneys, statewide prosecutors, and assistant statewide prosecutors and their spouses and children to also protect the *names* of such spouses and children.

If approved by the Governor, these provisions take effect October 1, 2013.

Vote: Senate 38-0; House 107-4

THE FLORIDA SENATE
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CS/HB 851 — Animal Cruelty

by Criminal Justice Subcommittee and Rep. Moskowitz and others (CS/CS/SB 504 by Appropriations Committee; Criminal Justice Committee; and Senators Brandes, Gardiner, Lee, and Sachs)

The bill clarifies that aggravated animal cruelty can occur when a person who owns or has custody or control of an animal fails to act, and such failure results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done.

The bill specifies that a person who commits multiple acts of animal cruelty or aggravated animal cruelty against one animal may be charged with a separate offense for each act. The bill also provides that a person who commits animal cruelty or aggravated animal cruelty against more than one animal may be charged with a separate offense for each animal that such cruelty was committed upon.

The bill amends the definition of racketeering activity to include violations of animal fighting and baiting. There are over 50 crimes currently listed in the racketeering law ranging from evasion of payment of cigarette taxes to homicide. Violations of the RICO Act may be investigated and prosecuted by the Office of Statewide Prosecution.

The bill makes it a second degree misdemeanor for a person to:

- Dye or artificially color animals under 12 weeks of age, or fowl or rabbits of any age;
- Bring dyed or artificially colored animals under 12 weeks of age, or fowl or rabbits of any age, into the state; or
- Sell, offer for sale, or give away as merchandising premiums baby chickens, ducklings, or other fowl under 4 weeks of age or rabbits under 2 months of age to be used as pets, toys, or retail premiums.

The first two prohibitions listed above do not apply to animals that are temporarily dyed by agricultural entities for protective health purposes. The bill prohibits the statute from being construed to apply to any animal that is under 12 weeks of age, or any fowl or rabbit of any age that are used or raised for agricultural purposes by persons with proper facilities to care for them or for poultry or livestock exhibitions.

The bill allows a county, as defined in s. 125.011, F.S., to use carryover proceeds or fund balances obtained from civil penalties from violations of ordinances relating to animal control or cruelty for animal shelter operating expenses. Currently counties are limited to using those funds for officer training. This provision expires July 1, 2014.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 35-0; House 118-0

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HB 875 — Licensed Security Officers

by Rep. Workman and others (SB 1330 by Senator Latvala)

The bill authorizes licensed security officers and licensed security agency managers to temporarily detain persons at a critical infrastructure facility in certain circumstances and addresses other matters pertaining to personnel employed in services relating to private security, private investigation, or repossession services. The bill:

- Authorizes a licensed security officer or licensed security agency manager, in uniform and on the premises of a “critical infrastructure facility” (a term defined in the bill), who has probable cause to believe that a person has committed or is committing a crime against the client operating the premises or the client’s patron, to temporarily detain the person to ascertain the person’s identity and the circumstances of the person’s activity. The bill provides procedures for notifying law enforcement and transferring the detained person.
- Authorizes the licensed security officer or licensed security agency manager, while temporarily detaining the person, to search the detainee or the detainee’s belongings if the officer or manager observes that the person is armed with a firearm, concealed weapon, or destructive device that poses a threat to the safety of the officer, manager, or any person for whom the officer or manager is responsible for providing protection, or if the detainee admits to having a weapon in his or her possession. The search may only be to the extent necessary to disclose the presence of the weapon. The bill provides procedures for seizure and transfer of the weapon.
- Makes it a first degree misdemeanor for a person to engage in any activity for which ch. 493, F.S. (private investigative, private security, and repossession services), requires a license if the person does not hold the required license, if this is the offender’s first violation. A second or subsequent violation is a third degree felony and the Department of Agriculture and Consumer Services may seek the imposition of a civil penalty not to exceed \$10,000. This offense does not apply if the person engages in unlicensed activity within 90 days after the expiration date of the person’s license.
- Makes it a third degree felony for a person, while impersonating a security officer, private investigator, recovery agent, or other person required to have a license under ch. 493, F.S., to knowingly and intentionally force another person to assist the impersonator in an activity within the scope of duty of a professional licensed under that chapter. However, it is a second degree felony if a person commits this violation during the course of committing a felony, and a first degree felony if a person commits this violation during the course of committing a felony that results in death or serious bodily injury to another human being.
- Specifies uniform and badge or patch requirements for a security officer or security agency manager who possess a valid Class “G” license performing duties regulated under s. 493.631, F.S., which is created by the bill.
- Provides that a law enforcement officer, security officer, or security agency manager is not criminally or civilly liable for false arrest, false imprisonment, or unlawful detention

due to his or her custody and detention of a person, if done in compliance with
s. 493.631, F.S.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 38-0; House 116-0

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CS/HB 1173 — Florida Communications Fraud Act

by Criminal Justice Subcommittee and Rep. Spano and others (CS/SB 1404 by Criminal Justice Committee and Senator Stargel)

The bill amends s. 817.034, F.S., the Communications Fraud Act (CFA). The CFA makes it a crime for a person to engage in a scheme to defraud and obtain property; or engage in a scheme to defraud and, in furtherance of that scheme, communicate with any person with intent to obtain property from that person.

The CFA does not contain a provision specifying a statute of limitation for violations; therefore, the general statutes of limitation contained in s. 775.15, F.S., apply. This requires that violations be prosecuted as follows:

- Prosecution for a felony of the first degree must be commenced within 4 years after it is committed;
- Prosecution for any other felony must be commenced within 3 years after it is committed;
- Prosecution for a misdemeanor of the first degree must be commenced within 2 years after it is committed; and
- Prosecution for a misdemeanor of the second degree or a noncriminal violation must be commenced within 1 year after it is committed.

The bill extends the statute of limitation for violations of the Communications Fraud Act to 5 years after the cause of action accrues in both civil and criminal matters.

The bill tolls the statute of limitation for up to an additional year if the defendant in a criminal case is outside the jurisdiction of the court.

The Criminal Punishment Code is amended to elevate violations of the CFA from Level 6 to Level 7. This amendment has the effect of increasing the total sentencing points and therefore could result in more defendants being sentenced to prison for violations of the Act.

This bill substantially amends ss. 817.034 and 921.0022, F.S.

If approved by the Governor, these provisions take effect October 1, 2013.

Vote: Senate 36-0; House 117-0

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Committee on Criminal Justice

CS/HB 1327 — Public Records/Victims of Human Trafficking

by Judiciary Committee and Rep. Spano and others (CS/CS/CS/SB 1734 by Rules Committee; Governmental Oversight and Accountability Committee; Criminal Justice Committee; and Senator Flores)

This legislation creates a public record exemption for a criminal history record of a victim of human trafficking that is ordered expunged. Specifically, such record retained by the Florida Department of Law Enforcement is confidential and exempt from public record requirements, except that the record must be made available to criminal justice agencies for their respective criminal justice purposes; otherwise, it cannot be disclosed to any person or entity except upon order of a court of competent jurisdiction.

If approved by the Governor, these provisions take effect January 1, 2014.

Vote: Senate 36-0; House 116-0

THE FLORIDA SENATE
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Committee on Criminal Justice

CS/CS/HB 1355 — Purchase of Firearms by Mentally Ill Persons

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Watson and others (CS/SB 1000 by Criminal Justice Committee and Senators Gibson, Benacquisto, and Brandes)

Current law prohibits dealers from selling firearms to persons who have been committed to a mental institution. The bill broadens the definition of “committed to a mental institution” to include persons who have had an involuntary examination under the Baker Act and who have then voluntarily admitted themselves for outpatient or inpatient treatment so long as all of the requirements below are satisfied:

- An examining physician found that the person is an imminent danger to himself or herself or others.
- The examining physician certified that if the person did not agree to voluntary treatment, a petition for involuntary outpatient or inpatient treatment would have been filed or the examining physician certified that a petition was filed and the person subsequently agreed to voluntary treatment prior to a court hearing in the petition.
- Before agreeing to voluntary treatment, the person received written notice of that finding and certification, and written notice that as a result of such finding, he or she may be prohibited from purchasing a firearm, and may not be eligible to apply for or retain a concealed weapon or firearms license, and the person acknowledged such notice in writing.
- A judge or a magistrate has reviewed the record classifying the person as an imminent danger to himself or herself or others, and ordered that such record be submitted to the Florida Department of Law Enforcement (FDLE).

Within 24 hours after the person’s agreement to voluntary admission, a record of the finding, certification, notice, and written acknowledgement must be filed by the administrator of the receiving or treatment facility, with the clerk of the court for the county in which the involuntary examination occurred. No fee may be charged for such filing. The clerk must present the record to a judge or magistrate within 24 hours after receipt. The judge or magistrate is required to review the record ex parte (in private) and, if he or she determines that the record supports the classifying of the person as an imminent danger to themselves or others, to order that the record be submitted to FDLE. If so ordered, the record must be submitted to FDLE within 24 hours.

The new definition of “committed to a mental institution” and the procedure created for the examining physician, receiving or treatment facility, and the court to follow will allow the court order and records to be transmitted to FDLE to be included in state and federal firearm purchase related databases.

Because the records are a part of the databases, the person will not be able to purchase a firearm or receive a concealed weapons permit, and if he or she possesses a concealed weapons permit, it will be suspended or revoked. The firearm and concealed weapons restrictions will remain effective until the person is ready to avail him or herself of the process under current law for having these restrictions lifted.

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If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 38-0; House 117-1

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

HB 7079 — OGSR/Certain Personal Identifying Information of Domestic and Sexual Violence Victims

by Government Operations Subcommittee and Rep. Ahern and others (CS/SB 304 by Governmental Oversight and Accountability Committee and Criminal Justice Committee)

This bill reenacts the public records exemption in s. 741.313(7), F.S., making confidential and exempt certain personal identifying information contained in records documenting an act of domestic or sexual violence that is submitted to an agency by an agency employee. These records include a written request for leave submitted by an agency employee for absences related to domestic or sexual violence, and any agency time sheet that reflects such a request until one year after the leave has been taken.

If approved by the Governor, these provisions take effect October 1, 2013.

Vote: Senate 39-0; House 115-0