

<b>Tab 1</b>	<b>CS/SB 28</b> by <b>JU, Montford (CO-INTRODUCERS) Stewart</b> ; (Identical to CS/H 06527) Relief of Christopher Cannon by the City of Tallahassee
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<b>Tab 2</b>	<b>CS/SB 1364</b> by <b>HP, Rader</b> ; (Similar to CS/H 01055) Public Records/Substance Abuse Service Providers
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The Florida Senate  
**COMMITTEE MEETING EXPANDED AGENDA**  
 GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY  
 Senator Baxley, Chair  
 Senator Mayfield, Vice Chair

**MEETING DATE:** Tuesday, February 20, 2018  
**TIME:** 1:30—3:30 p.m.  
**PLACE:** James E. "Jim" King, Jr. Committee Room, 401 Senate Office Building

**MEMBERS:** Senator Baxley, Chair; Senator Mayfield, Vice Chair; Senators Galvano, Rader, Rouson, Stargel, and Stewart

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/SB 28</b> Judiciary / Montford (Identical CS/H 6527)	Relief of Christopher Cannon by the City of Tallahassee; Providing for the relief of Christopher Cannon; providing an appropriation to compensate him for injuries and damages sustained as a result of the alleged negligence of the City of Tallahassee, etc.  SM JU 02/13/2018 Fav/CS GO 02/20/2018 Favorable RC	Favorable Yeas 5 Nays 0
2	<b>CS/SB 1364</b> Health Policy / Rader (Similar CS/H 1055)	Public Records/Substance Abuse Service Providers ; Providing an exemption from public records requirements to certain identifying and location information of current or former directors, managers, supervisors, nurses, and clinical employees of substance abuse service providers that are licensed under part II of ch. 397, F.S., and the spouses and children thereof; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc.  HP 02/13/2018 Fav/CS GO 02/20/2018 Favorable RC	Favorable Yeas 5 Nays 0
Other Related Meeting Documents			



**THE FLORIDA SENATE**  
**SPECIAL MASTER ON CLAIM BILLS**

*Location*  
515 Knott Building

*Mailing Address*  
404 South Monroe Street  
Tallahassee, Florida 32399-1100  
(850) 487-5198

DATE	COMM	ACTION
2/8/18	SM	<b>Favorable</b>
2/13/18	JU	<b>Fav/CS</b>
2/19/18	GO	<b>Favorable</b>
	RC	

February 8, 2018

The Honorable Joe Negrón  
President, The Florida Senate  
Suite 409, The Capitol  
Tallahassee, Florida 32399-1100

Re: **CS/SB 28** – Judiciary Committee and Senators Bill Montford  
and Linda Stewart  
**HB 6527** – Representative Ramon Alexander  
Relief of Christopher Cannon

**SPECIAL MASTER'S FINAL REPORT**

THIS IS AN UNCONTESTED CLAIM FOR \$500,000, BASED ON A STIPULATED FINAL JUDGMENT BETWEEN CHRISTOPHER V. CANNON, THE CLAIMANT, AND THE CITY OF TALLAHASSEE. THE FINAL JUDGMENT RESOLVED A CIVIL ACTION ARISING FROM THE NEGLIGENT OPERATION OF A CITY OF TALLAHASSEE VEHICLE WHICH INJURED CHRISTOPHER CANNON.

FINDINGS OF FACT:

This claim arises out of an accident involving a Dial-a-Ride (DART) vehicle and a motorcyclist, Christopher V. Cannon, which occurred on December 16, 2015, in Tallahassee, Florida. The Star Metro department of the City of Tallahassee provides public transport services on DART vehicles to residents with qualifying disabilities. The City of Tallahassee employed Ms. Rosie Kelly as a DART driver.

On December 16, 2015, Ms. Kelly was driving a DART vehicle during work hours. According to witness statements, as documented in the Leon County Sheriff's Office accident report, Ms. Kelly made a left turn onto southbound Capital Circle Northwest, from Old Bainbridge Road while Mr. Cannon

was driving his motorcycle northbound on Capital Circle Northwest. Ms. Kelly hit Mr. Cannon in a head-on crash, causing him to be ejected from his motorcycle. Mr. Cannon was not communicative at the scene. Mr. Cannon was transported by ambulance to Tallahassee Memorial Hospital. At the time of the accident, Mr. Cannon was wearing a motorcycle helmet and other protective gear in the form of a jacket and boots.

At the time of impact, Mr. Cannon suffered multiple trauma. Specifically, the accident caused Mr. Cannon to have various fractures and a pulmonary contusion. On December 17, 2015, Dr. Hank Hutchinson of Tallahassee Memorial Healthcare operated on Mr. Cannon by inserting a permanent rod in his right lower leg and a plate in his right upper arm. On January 6, 2016, Mr. Cannon underwent a second surgery for infection, while under anesthesia, at which time, Dr. Hutchinson excised and closed the infected wound.

Based on the accident, Officer Robert Gaines III issued a traffic citation to Ms. Kelly for violating the right of way with serious bodily injury.

Not including this incident, Ms. Kelly has had 7 prior accidents in her capacity as a driver for the City of Tallahassee. The City documented in Disciplinary Accident Reports each of these previous incidents as preventable accidents. Discipline ranged from a written reprimand to suspension.

On March 30, 2016, the court held a nonjury trial on the infraction as is required in incidents in which an accident results in serious bodily injury (s. 318.19(2), F.S.) On April 4, 2016, the court found Ms. Kelly guilty of both failing to yield to oncoming traffic when making a left turn, in violation of s. 316.122, F.S., and of causing serious bodily injury to Mr. Cannon. The court suspended Ms. Kelly's commercial driver's license for a period of 90 days.

FUTURE SERVICES REPORT: Dr. Hutchinson drafted a future care plan dated November 9, 2017. In it, he indicates that Mr. Cannon's arm and leg, fractured in the incident, have completely healed. Mr. Cannon has a full range of motion in his shoulder, elbow, forearm, hand, and wrist and walks with a smooth and steady gait. He is at a significantly less than 50 percent chance of needing

hip, knee, or ankle replacement surgery in the future, and is at very low risk of long-term arthritis due to the injuries.

LITIGATION HISTORY:

On July 11, 2016, Christopher V. Cannon filed a Complaint for Damages against the City of Tallahassee in Leon County Circuit Court. The complaint alleged an action for damages against the City of Tallahassee based upon negligent hiring, discipline, and supervision of employee Rosie Kelly whose negligent driving proximately caused permanent personal injuries to Mr. Cannon. The plaintiff filed a first amended complaint on January 11, 2017, adding a Count II cause of action against the City of Tallahassee, based upon vicarious liability.

On February 9, 2017, the City filed an answer to the first amended complaint. In it, the City admitted negligence based on vicarious liability, as asserted in Count II of the plaintiff's complaint. The City also moved to dismiss Count I of the complaint.

On March 3, 2017, the parties filed a joint motion for partial summary judgment. In their motion, the parties moved to dismiss Count I of the complaint in exchange for the City of Tallahassee admitting liability under Count II based on the vicarious liability doctrine of respondeat superior. The court granted the motion and reserved judgment on the issue of damages. On June 22, 2017, the court entered a final judgment for damages in the amount of the agreed to settlement of \$200,000.

On May 24, 2017, the parties entered into a Mediation Settlement Agreement. Therein, the City of Tallahassee agreed to a total settlement of \$700,000, of which the City would pay the first \$200,000 within 14 days after approval by the City Commission and agreed to pay the remaining \$500,000 through a claim bill. The City Commission approved the settlement amount at a City Commission meeting held on June 14, 2017.

Subsequently, the parties submitted to the court a Consented Motion for Court Approval of Settlement and Final Judgment. In it, the parties agreed that upon the entry of a court order approving the settlement, the City would pay \$200,000 to the plaintiff and the Plaintiff would execute a general release and secure a dismissal with prejudice. The court entered an Order

Granting the Consented Motion for Court Approval of Settlement and Final Judgment on June 22, 2017. The plaintiff then filed with the court a Motion for a Voluntary Dismissal with Prejudice on October 16, 2017.

CLAIMANT'S POSITION:

To prove a claim of negligence, a plaintiff must show that a defendant owed a duty to the plaintiff, the defendant breached that duty, the defendant's action or inaction caused the plaintiff's injury, and the plaintiff incurred damages. The claimant asserts each of these elements as follows.

Ms. Kelly had a duty to safely operate the Dial-a-Ride bus. Ms. Kelly breached that duty by operating the bus in a negligent manner. Specifically, Ms. Kelly drove negligently by turning left when it was not clear to do so and colliding with Mr. Cannon. Had Ms. Kelly properly looked before attempting to turn, she would have seen Mr. Cannon and avoided hitting him, as it was foreseeable that she could have hit someone. Ms. Kelly was 100 percent at fault for causing the collision.

As a direct and proximate result of the negligence of Ms. Kelly, Mr. Cannon suffered permanent bodily injury. He has experienced pain and suffering, multiple surgeries, disfigurement, hospitalization and other medical costs, and loss of earnings.

As a result of the accident, Mr. Cannon suffered multiple fractures. He underwent several surgeries to have a rod and screws inserted through his right tibia (shinbone), and plates and screws to his right humerus (upper arm). The rod, plates, and screws are permanent. Mr. Cannon also had to be readmitted to the hospital and operated on for a wound infection on his left thigh. The surgery left Mr. Cannon with considerable scarring and permanent disfigurement at the surgery sites.

Mr. Cannon testified at his deposition that he doesn't have full strength or feeling in the areas in which he was injured. He additionally stated that now his right leg hurts if he stands on it for long periods of time.

RESPONDENT'S POSITION:

At the claim bill hearing, the City of Tallahassee admitted liability and indicated that the City fully supports the claim.

CONCLUSIONS OF LAW:

Section 768.28 (2009), F.S., governs this matter. That statute generally allows injured parties to sue the state or local governments for damages caused by their negligence or the negligence of their employees. However, the statute limits the amount of damages that a plaintiff can collect from a judgment against or settlement with a government entity to \$200,000 per person and \$300,000 for all claims or judgments arising out of the same incident. Funds can be paid in excess of these limits only upon the approval of a claim bill by the Legislature. Thus, Mr. Cannon will not receive the full benefit of his settlement agreement with the City of Tallahassee unless the Legislature approves a claim bill authorizing the additional payment.

In a negligence action, a plaintiff bears the burden of proof to establish the four elements of negligence. These elements are duty, breach, causation, and damage. *Charron v. Birge*, 37 So. 3d 292, 296 (Fla. 5th DCA 2010).

The driver of a motor vehicle has a duty to use reasonable care, in light of the attendant circumstances, to prevent injuring persons within the vehicle's path. *Gowdy v. Bell*, 993 So. 2d 585,586 (Fla.1st DCA 2008). Reasonable care is the degree of care a reasonably careful person would have used under like circumstances. *Foster v. State*, 603 So. 2d 1312, 1316 (Fla. 1st DCA 1992). Ms. Kelly failed to use reasonable care by not looking to the left before turning the Dial-a-Ride bus onto Capital Circle at a red light. Had Ms. Kelly looked properly, she would have seen Mr. Cannon to the left of her, and avoided striking him with her vehicle.

Due to Ms. Kelly's breach of her duty of care, she caused the accident and Mr. Cannon's damages.

Florida's dangerous instrumentality doctrine imposes strict vicarious liability on an owner of a dangerous instrumentality who entrusts the instrument to a person who operates it negligently. *Aurbach v. Gallina*, 753 So. 2d 60, 62 (Fla. 2000). Trucks in operation are considered to be dangerous instrumentalities. *Meister v. Fisher*, 462 So. 2d 1071, 1072 (Fla. 1985).

Municipalities are subject to the dangerous instrumentality doctrine. "When a municipality owns a motor truck, a dangerous instrumentality when in operation, that is being

operated with the knowledge and consent of the municipality through its officers or employees and used on the other streets for lawful street, sewer, or other corporate purposes, the municipality may be liable for injuries ... caused by negligence of the truck driver in operating the truck ... ." *Barth v. City of Miami*, 1 So. 2d 574, 577 (Fla. 1941).

The long-standing doctrine of respondeat superior provides that an employer is liable for an employee's acts committed within the course and scope of employment. *City of Boynton Beach v. Weiss*, 120 So. 3d 606, 611 (Fla. 4th DCA 2013).

The City of Tallahassee employed Ms. Kelly at the time of the accident. On that day, Ms. Kelly drove the Dial-a-Ride vehicle owned by the City of Tallahassee during the course of her normal workday. Therefore, the City of Tallahassee is liable for the negligence of Ms. Kelly and the damages caused to Mr. Cannon.

The claimant has demonstrated significant economic damages. Medical costs alone total \$211,177. Of this, Mr. Cannon incurred medical bills in the amount of \$180,235 from the Tallahassee Memorial Hospital (TMH) through a subrogation lien. TMH subsequently agreed to reduce the amount of the lien to \$100,000 and to payment as follows: \$25,000 after distribution of the first settlement with the City of Tallahassee, and \$75,000 should the claim bill be approved. Due to missing work for a month and a half, Mr. Cannon lost income of \$4,500 that he would have earned during that time. Additionally, he purchased the new motorcycle that was totaled in the accident just one day earlier for \$5,757.

Noneconomic damages have not been calculated for Mr. Cannon. However, since the accident, Mr. Cannon finds running difficult and he limps at times. When the temperature is cold, he feels the titanium in both his arm and leg. He also experiences chronic numbness at several of the surgery sites.

Should this case have proceeded to trial, Mr. Cannon appears to have presented as a sympathetic plaintiff based upon: having been just 20 years of age at the time of the incident, undergoing multiple surgeries, and living permanently with a rod, plates, and screws placed internally. Additionally, he was



not at-fault for his injuries and was even wearing a motorcycle helmet and other protective gear at the time of the accident.

For these reasons, the undersigned concludes that the settlement is both fair and reasonable.

LEGISLATIVE HISTORY:

This is the first year in which the claim bill has been filed.

COLLATERAL SOURCES:

The claimant represents that he has not received payment from any collateral sources.

ATTORNEY'S FEES:

The bill provides that the total amount paid for attorney fees relating to this claim is limited to 25 percent of the \$500,000 claim.

Mr. Cannon's attorney further agreed to limit his fees to 25 percent of any amount awarded by the Legislature in compliance with s. 768.28(8), F.S. However, 5 percent of the award will be payable to the lobbyist for his lobbying services and this amount will be paid from the attorney's fee.

Therefore, the total amount of fees payable for attorney and lobbying fees is \$125,000.

FISCAL IMPACT:

The City of Tallahassee is self-insured. If approved by the Legislature, the \$500,000 will be paid from the City's self-insurance fund. The City represents that it has reserved this amount for the claim.

RECOMMENDATIONS:

For the reasons set forth above, the undersigned recommends that Senate Bill 28 (2018) be reported FAVORABLY.

Respectfully submitted,

Cindy M. Brown  
Senate Special Master

cc: Secretary of the Senate

**CS by Judiciary:**

The committee substitute provides for the claimant's attorney to be paid \$100,000, which is 20 percent of the \$500,000 claim bill. The lobbyist for the claim bill is to be paid \$25,000, which is 5 percent of the claim bill.



The Florida Senate

## Committee Agenda Request

**To:** Senator Dennis Baxley, Chair  
Senate Committee on Governmental Oversight and Accountability

**Subject:** Committee Agenda Request

**Date:** February 15, 2018

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I respectfully request that SB 28 on Relief of Christopher Cannon by the City of Tallahassee be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script that reads "Bill Montford".

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Senator Bill Montford  
Florida Senate, District 3

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

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BILL: CS/SB 1364

INTRODUCER: Health Policy Committee and Senator Rader

SUBJECT: Public Records/Substance Abuse Service Providers

DATE: February 19, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Stovall	HP	<b>Fav/CS</b>
2.	Brown	Caldwell	GO	<b>Favorable</b>
3.			RC	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1364 amends s. 119.071, F.S., to exempt from public records laws certain personal identifying information of current and former directors, managers, supervisors, nurses, and clinical employees of a substance abuse service provider licensed under part II of ch. 397, F.S., as well as certain personal identifying and location information of their spouses and children. The bill provides in its statement of public necessity as justification for the exemption that the public records exemption is needed as the release of this information may place these employees and their families at risk of harm from hostile persons based on the actions of the employees.

The bill provides for an Open Government Sunset Review and an automatic repeal date of October 2, 2023, unless reviewed and saved from repeal by the Legislature before that date.

This bill requires a two-thirds vote of each chamber for passage because it creates a public records exemption.

The bill takes effect July 1, 2018.

## II. Present Situation:

### Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>1</sup> This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.<sup>2</sup>

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.<sup>3</sup> Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.<sup>4</sup> The Public Records Act states that

it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.<sup>5</sup>

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.<sup>6</sup> The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”<sup>7</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>8</sup>

The Legislature may create an exemption to public records requirements by passing a general law by a two-thirds vote of the House of Representatives and the Senate.<sup>9</sup> The exemption must explicitly lay out the public necessity justifying the exemption, and must be no broader than necessary to accomplish the stated purpose of the exemption.<sup>10</sup> A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.<sup>11</sup>

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<sup>1</sup> FLA. CONST., art. I, s. 24(a).

<sup>2</sup> FLA. CONST., art. I, s. 24(a).

<sup>3</sup> The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.

<sup>4</sup> Public records laws are found throughout the Florida Statutes.

<sup>5</sup> Section 119.01(1), F.S.

<sup>6</sup> Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

<sup>7</sup> *Shevin v. Byron, Harless, Schaffer, Reid, and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

<sup>8</sup> Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

<sup>9</sup> FLA. CONST., art. I, s. 24(c).

<sup>10</sup> FLA. CONST., art. I, s. 24(c).

<sup>11</sup> *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define

When creating a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’<sup>12</sup> Records designated as ‘confidential and exempt’ may be released by the records custodian only under the circumstances defined by the Legislature. Records designated as ‘exempt’ may be released at the discretion of the records custodian under certain circumstances.<sup>13</sup>

### **Open Government Sunset Review Act**

The Open Government Sunset Review Act (referred to hereafter as the “OGSR”) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.<sup>14</sup> The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.<sup>15</sup> In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

The OGSR provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.<sup>16</sup> An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;<sup>17</sup>
- Releasing sensitive personal information would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;<sup>18</sup> or
- It protects trade or business secrets.<sup>19</sup>

The OGSR also requires specified questions to be considered during the review process.<sup>20</sup> In examining an exemption, the OGSR asks the Legislature to carefully question the purpose and necessity of reenacting the exemption.

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important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.  
<sup>12</sup> If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

<sup>13</sup> A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

<sup>14</sup> Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S.

<sup>15</sup> Section 119.15(3), F.S.

<sup>16</sup> Section 119.15(6)(b), F.S.

<sup>17</sup> Section 119.15(6)(b)1., F.S.

<sup>18</sup> Section 119.15(6)(b)2., F.S.

<sup>19</sup> Section 119.15(6)(b)3., F.S.

<sup>20</sup> Section 119.15(6)(a), F.S. The specified questions are:

1. What specific records or meetings are affected by the exemption?

If, in reenacting an exemption, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.<sup>21</sup> If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.<sup>22</sup>

## **Substance Abuse Treatment Service Regulation**

### ***Substance Abuse***

Substance abuse refers to the harmful or hazardous use of psychoactive substances, including alcohol and illicit drugs.<sup>23</sup> Substance abuse disorders occur when the chronic use of alcohol or drugs causes significant impairment, such as health problems, disability, and failure to meet major responsibilities at work, school, or home.<sup>24</sup> Repeated drug use leads to changes in the brain's structure and function that can make a person more susceptible to developing a substance abuse disorder.<sup>25</sup> Substance abuse causes physical changes in areas of the brain that are critical to judgment, decision making, learning and memory, and behavior control.<sup>26</sup>

A diagnosis of substance abuse disorder is based on evidence of impaired control, social impairment, risky use, and pharmacological criteria.<sup>27</sup> The most common substance abuse disorders in the United States are from the use of alcohol, tobacco, cannabis, stimulants, hallucinogens, and opioids.<sup>28</sup>

### ***Substance Abuse Treatment***

The Department of Children and Families (DCF) regulates substance abuse treatment by licensing individual treatment components under ch. 397, F.S., and Rule 65D-30, F.A.C. Licensed service components include a continuum of substance abuse prevention, intervention, and clinical treatment services.<sup>29</sup>

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2. Whom does the exemption uniquely affect, as opposed to the general public?
  3. What is the identifiable public purpose or goal of the exemption?
  4. Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
  5. Is the record or meeting protected by another exemption?
  6. Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

<sup>21</sup> FLA. CONST. art. I, s. 24(c).

<sup>22</sup> Section 119.15(7), F.S.

<sup>23</sup> World Health Organization, *Substance Abuse*, available at: [http://www.who.int/topics/substance\\_abuse/en/](http://www.who.int/topics/substance_abuse/en/) (last visited Feb. 16, 2018).

<sup>24</sup> Substance Abuse and Mental Health Services Administration, *Substance Use Disorders* (Oct. 27, 2015), available at: <https://www.samhsa.gov/disorders/substance-use> (last visited Feb. 16, 2018).

<sup>25</sup> National Institute on Drug Abuse, *Drugs, Brains, and Behavior: The Science of Addiction* (July 2014), available at: <https://www.drugabuse.gov/publications/drugs-brains-behavior-science-addiction/drug-abuse-addiction> (last visited Feb. 16, 2018).

<sup>26</sup> *Id.*

<sup>27</sup> Substance Abuse and Mental Health Services Administration, *supra* note 244.

<sup>28</sup> *Id.*

<sup>29</sup> Section 397.311(26), F.S.

Prevention is a process involving strategies that are aimed at the individual, family, community, or substance and that preclude, forestall, or impede the development of substance use problems and promote responsible lifestyles.<sup>30</sup> Substance abuse prevention is best accomplished through the use of ongoing strategies such as increasing public awareness and education, community-based processes, and evidence-based practices.<sup>31</sup>

Intervention involves structured services directed toward individuals or groups at risk of substance abuse and focused on reducing or impeding those factors associated with the onset or early stages of substance abuse and related problems.<sup>32</sup>

Clinical treatment is a professionally directed, deliberate, and planned regimen of services and interventions that are designed to reduce or eliminate the misuse of drugs and alcohol and promote a healthy, drug-free lifestyle.<sup>33</sup> Clinical treatment services include the following licensable service components:

- Addictions receiving facility;
- Day or night treatment;
- Day or night treatment with community housing;
- Detoxification;
- Intensive inpatient treatment;
- Intensive outpatient treatment;
- Medication-assisted treatment for opiate addiction;
- Outpatient treatment; and
- Residential treatment.<sup>34</sup>

Researchers find a substantial link between a criminal history and substance abuse. In a study conducted by the U.S. Department of Justice, about 58 percent of state prisoners and 63 percent of sentenced jail inmates met the Diagnostic and Statistical Manual of Mental Disorders, 4<sup>th</sup> Edition, (DSM-IV) criteria for drug dependence or abuse.<sup>35</sup> Additionally, individuals who use illicit drugs are more likely to commit crimes, and it is common for many offenses, including violent crimes, to be committed by individuals who had used drugs or alcohol prior to committing the crime, or who were using at the time of the offense.<sup>36</sup>

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<sup>30</sup> Section 397.311(26)(c), F.S.

<sup>31</sup> Department of Children and Families, *Substance Abuse: Prevention*, <http://www.myflfamilies.com/service-programs/substance-abuse/prevention>, (last visited Feb. 16, 2018). These prevention programs are focused primarily on youth, and, recent years, have shifted to the local level, giving individual communities the opportunity to identify their own unique prevention needs and develop action plans in response. This community focus allows prevention strategies to have a greater impact on behavioral change by shifting social, cultural, and community environments.

<sup>32</sup> Section 397.311(26)(b), F.S.

<sup>33</sup> Section 397.311(26)(a), F.S.

<sup>34</sup> *Id.*

<sup>35</sup> Jennifer Bronson, et al., *Drug Use, Dependence, and Abuse Among State Prisoners and Jail Inmates, 2007-2009*, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, (June 2017) available at: <https://www.bjs.gov/content/pub/pdf/dudaspi0709.pdf> (last visited Feb. 16, 2018).

<sup>36</sup> U.S. Department of Health and Human Services, National Institute on Drug Abuse, *Principles of Drug Abuse Treatment for Criminal Justice Populations: A Research-Based Guide*, p. 12, available at: [https://d14rmgrwzf5a.cloudfront.net/sites/default/files/txcriminaljustice\\_0.pdf](https://d14rmgrwzf5a.cloudfront.net/sites/default/files/txcriminaljustice_0.pdf) (last visited Feb. 16, 2018).



Some substance abuse treatment facilities are owned by county governments or county government agencies. Because these facilities are government-owned, the public has a right to access their records, including records of the home addresses, telephone numbers, dates of birth, and photographs of employees of those facilities, as well as information about their families. In at least one instance in Broward County, a client at the Broward Addiction Recovery Center (BARC) spontaneously came to the home of a BARC employee seeking after hours counseling. The client had found the employee's home address through an internet search.<sup>37</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 119.071, F.S., to exempt the following information from the requirements of s. 119.07(1), F.S., and s. 24(a), Art. I of the Florida Constitution:

- The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, nurses, and clinical employees of a substance abuse service provider that is licensed under part II of ch. 397, F.S., and whose duties include the counseling and treatment of persons who have mental health or substance abuse disorders;
- The home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and
- The names and locations of schools and day care facilities attended by the children of such personnel.

The bill establishes an Open Government Sunset Review Act automatic repeal date of October 2, 2023, unless reviewed and saved from repeal by the Legislature.

**Section 2** provides the public necessity statement required by s. 24(c), Art. I of the Florida Constitution. The bill states that it is a public necessity to establish the public records exemption since the release of the information protected by the exemption may place the specified personnel of a licensed substance abuse provider and their family members in danger of physical and emotional harm from hostile persons who may react inappropriately and violently to actions taken by such personnel. The bill states that such personnel provide services that are necessary and appropriate for persons who have mental health or substance abuse disorders and provide valuable and supportive services to the state's most vulnerable residents. Despite the value of such services, some persons may become hostile toward the personnel and may pose a threat to them indefinitely. The harm that may result from the release of such personal identifying and location information outweighs any public benefit that may be derived from the disclosure of the information.

**Section 3** of the bill establishes an effective date of July 1, 2018.

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<sup>37</sup> Broward Addiction Recovery Center, Broward County, Florida, *Public Records Exemption* (on file with the Senate Committee on Governmental Oversight and Accountability and the Senate Committee on Health Policy).

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

**B. Public Records/Open Meetings Issues:****Voting Requirement**

Article I, Section 24(c) of the Florida Constitution requires a two-thirds vote of each chamber for public records exemptions to pass.

**Public Necessity Statement**

Article I, Section 24(c) of the Florida Constitution requires a public necessity statement for a newly created or expanded public records exemption. The Florida Constitution provides that an exemption must state with specificity the public necessity of the exemption. The public necessity statement provides that the exemption is needed to protect the safety of the licensed substance abuse treatment provider's directors, managers, supervisors, nurses, or clinical employees and their family members since those individuals treat clients who have mental health and substance abuse disorders and who may become hostile toward the treatment provider.

**Breadth of Exemption**

Article I, Section 24(c) of the Florida Constitution requires a newly created public records exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill exempts the home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, nurses, and clinical employees of a substance abuse service provider that is licensed under part II of ch. 397, F.S., and whose duties include the counseling and treatment of persons who have mental health or substance abuse disorders. Additionally, the bill exempts the home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel. This bill appears to be no broader than necessary to accomplish the public necessity for this public records exemption.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 119.071 of the Florida Statutes.

This bill creates one undesignated section of Florida Law.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Health Policy on February 13, 2018:**

The CS removes all references to social security numbers as protected by the provisions of the bill. All government employee social security numbers and social security numbers collected by any government agency<sup>38</sup> are made confidential and exempt by current law in ss. 119.071(4)(a) and (5)(a), F.S.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>38</sup> Defined in s. 119.011, F.S., to include any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

By the Committee on Health Policy; and Senator Rader

588-03169-18

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1                                   A bill to be entitled  
 2       An act relating to public records; amending s.  
 3       119.071, F.S.; providing an exemption from public  
 4       records requirements to certain identifying and  
 5       location information of current or former directors,  
 6       managers, supervisors, nurses, and clinical employees  
 7       of substance abuse service providers that are licensed  
 8       under part II of ch. 397, F.S., and the spouses and  
 9       children thereof; providing for retroactive  
 10      applicability; providing for future legislative review  
 11      and repeal of the exemption; providing a statement of  
 12      public necessity; providing an effective date.  
 13  
 14   Be It Enacted by the Legislature of the State of Florida:  
 15  
 16       Section 1. Paragraph (d) of subsection (4) of section  
 17   119.071, Florida Statutes, is amended to read:  
 18       119.071 General exemptions from inspection or copying of  
 19   public records.—  
 20       (4) AGENCY PERSONNEL INFORMATION.—  
 21       (d)1. For purposes of this paragraph, the term “telephone  
 22   numbers” includes home telephone numbers, personal cellular  
 23   telephone numbers, personal pager telephone numbers, and  
 24   telephone numbers associated with personal communications  
 25   devices.  
 26       2.a. The home addresses, telephone numbers, dates of birth,  
 27   and photographs of active or former sworn or civilian law  
 28   enforcement personnel, including correctional and correctional  
 29   probation officers, personnel of the Department of Children and

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30   Families whose duties include the investigation of abuse,  
 31   neglect, exploitation, fraud, theft, or other criminal  
 32   activities, personnel of the Department of Health whose duties  
 33   are to support the investigation of child abuse or neglect, and  
 34   personnel of the Department of Revenue or local governments  
 35   whose responsibilities include revenue collection and  
 36   enforcement or child support enforcement; the names, home  
 37   addresses, telephone numbers, photographs, dates of birth, and  
 38   places of employment of the spouses and children of such  
 39   personnel; and the names and locations of schools and day care  
 40   facilities attended by the children of such personnel are exempt  
 41   from s. 119.07(1) and s. 24(a), Art. I of the State  
 42   Constitution. This sub-subparagraph is subject to the Open  
 43   Government Sunset Review Act in accordance with s. 119.15 and  
 44   shall stand repealed on October 2, 2022, unless reviewed and  
 45   saved from repeal through reenactment by the Legislature.  
 46       b. The home addresses, telephone numbers, dates of birth,  
 47   and photographs of current or former nonsworn investigative  
 48   personnel of the Department of Financial Services whose duties  
 49   include the investigation of fraud, theft, workers' compensation  
 50   coverage requirements and compliance, other related criminal  
 51   activities, or state regulatory requirement violations; the  
 52   names, home addresses, telephone numbers, dates of birth, and  
 53   places of employment of the spouses and children of such  
 54   personnel; and the names and locations of schools and day care  
 55   facilities attended by the children of such personnel are exempt  
 56   from s. 119.07(1) and s. 24(a), Art. I of the State  
 57   Constitution. This sub-subparagraph is subject to the Open  
 58   Government Sunset Review Act in accordance with s. 119.15 and

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59 shall stand repealed on October 2, 2021, unless reviewed and  
60 saved from repeal through reenactment by the Legislature.

61 c. The home addresses, telephone numbers, dates of birth,  
62 and photographs of current or former nonsworn investigative  
63 personnel of the Office of Financial Regulation's Bureau of  
64 Financial Investigations whose duties include the investigation  
65 of fraud, theft, other related criminal activities, or state  
66 regulatory requirement violations; the names, home addresses,  
67 telephone numbers, dates of birth, and places of employment of  
68 the spouses and children of such personnel; and the names and  
69 locations of schools and day care facilities attended by the  
70 children of such personnel are exempt from s. 119.07(1) and s.  
71 24(a), Art. I of the State Constitution. This sub-subparagraph  
72 is subject to the Open Government Sunset Review Act in  
73 accordance with s. 119.15 and shall stand repealed on October 2,  
74 2022, unless reviewed and saved from repeal through reenactment  
75 by the Legislature.

76 d. The home addresses, telephone numbers, dates of birth,  
77 and photographs of current or former firefighters certified in  
78 compliance with s. 633.408; the names, home addresses, telephone  
79 numbers, photographs, dates of birth, and places of employment  
80 of the spouses and children of such firefighters; and the names  
81 and locations of schools and day care facilities attended by the  
82 children of such firefighters are exempt from s. 119.07(1) and  
83 s. 24(a), Art. I of the State Constitution. This sub-  
84 subparagraph is subject to the Open Government Sunset Review Act  
85 in accordance with s. 119.15, and shall stand repealed on  
86 October 2, 2022, unless reviewed and saved from repeal through  
87 reenactment by the Legislature.

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88 e. The home addresses, dates of birth, and telephone  
89 numbers of current or former justices of the Supreme Court,  
90 district court of appeal judges, circuit court judges, and  
91 county court judges; the names, home addresses, telephone  
92 numbers, dates of birth, and places of employment of the spouses  
93 and children of current or former justices and judges; and the  
94 names and locations of schools and day care facilities attended  
95 by the children of current or former justices and judges are  
96 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
97 Constitution. This sub-subparagraph is subject to the Open  
98 Government Sunset Review Act in accordance with s. 119.15 and  
99 shall stand repealed on October 2, 2022, unless reviewed and  
100 saved from repeal through reenactment by the Legislature.

101 f. The home addresses, telephone numbers, dates of birth,  
102 and photographs of current or former state attorneys, assistant  
103 state attorneys, statewide prosecutors, or assistant statewide  
104 prosecutors; the names, home addresses, telephone numbers,  
105 photographs, dates of birth, and places of employment of the  
106 spouses and children of current or former state attorneys,  
107 assistant state attorneys, statewide prosecutors, or assistant  
108 statewide prosecutors; and the names and locations of schools  
109 and day care facilities attended by the children of current or  
110 former state attorneys, assistant state attorneys, statewide  
111 prosecutors, or assistant statewide prosecutors are exempt from  
112 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

113 g. The home addresses, dates of birth, and telephone  
114 numbers of general magistrates, special magistrates, judges of  
115 compensation claims, administrative law judges of the Division  
116 of Administrative Hearings, and child support enforcement

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117 hearing officers; the names, home addresses, telephone numbers,  
 118 dates of birth, and places of employment of the spouses and  
 119 children of general magistrates, special magistrates, judges of  
 120 compensation claims, administrative law judges of the Division  
 121 of Administrative Hearings, and child support enforcement  
 122 hearing officers; and the names and locations of schools and day  
 123 care facilities attended by the children of general magistrates,  
 124 special magistrates, judges of compensation claims,  
 125 administrative law judges of the Division of Administrative  
 126 Hearings, and child support enforcement hearing officers are  
 127 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 128 Constitution. This sub-subparagraph is subject to the Open  
 129 Government Sunset Review Act in accordance with s. 119.15 and  
 130 shall stand repealed on October 2, 2022, unless reviewed and  
 131 saved from repeal through reenactment by the Legislature.

132 h. The home addresses, telephone numbers, dates of birth,  
 133 and photographs of current or former human resource, labor  
 134 relations, or employee relations directors, assistant directors,  
 135 managers, or assistant managers of any local government agency  
 136 or water management district whose duties include hiring and  
 137 firing employees, labor contract negotiation, administration, or  
 138 other personnel-related duties; the names, home addresses,  
 139 telephone numbers, dates of birth, and places of employment of  
 140 the spouses and children of such personnel; and the names and  
 141 locations of schools and day care facilities attended by the  
 142 children of such personnel are exempt from s. 119.07(1) and s.  
 143 24(a), Art. I of the State Constitution.

144 i. The home addresses, telephone numbers, dates of birth,  
 145 and photographs of current or former code enforcement officers;

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146 the names, home addresses, telephone numbers, dates of birth,  
 147 and places of employment of the spouses and children of such  
 148 personnel; and the names and locations of schools and day care  
 149 facilities attended by the children of such personnel are exempt  
 150 from s. 119.07(1) and s. 24(a), Art. I of the State  
 151 Constitution.

152 j. The home addresses, telephone numbers, places of  
 153 employment, dates of birth, and photographs of current or former  
 154 guardians ad litem, as defined in s. 39.820; the names, home  
 155 addresses, telephone numbers, dates of birth, and places of  
 156 employment of the spouses and children of such persons; and the  
 157 names and locations of schools and day care facilities attended  
 158 by the children of such persons are exempt from s. 119.07(1) and  
 159 s. 24(a), Art. I of the State Constitution. This sub-  
 160 subparagraph is subject to the Open Government Sunset Review Act  
 161 in accordance with s. 119.15 and shall stand repealed on October  
 162 2, 2022, unless reviewed and saved from repeal through  
 163 reenactment by the Legislature.

164 k. The home addresses, telephone numbers, dates of birth,  
 165 and photographs of current or former juvenile probation  
 166 officers, juvenile probation supervisors, detention  
 167 superintendents, assistant detention superintendents, juvenile  
 168 justice detention officers I and II, juvenile justice detention  
 169 officer supervisors, juvenile justice residential officers,  
 170 juvenile justice residential officer supervisors I and II,  
 171 juvenile justice counselors, juvenile justice counselor  
 172 supervisors, human services counselor administrators, senior  
 173 human services counselor administrators, rehabilitation  
 174 therapists, and social services counselors of the Department of

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175 Juvenile Justice; the names, home addresses, telephone numbers,  
 176 dates of birth, and places of employment of spouses and children  
 177 of such personnel; and the names and locations of schools and  
 178 day care facilities attended by the children of such personnel  
 179 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 180 Constitution.

181 l. The home addresses, telephone numbers, dates of birth,  
 182 and photographs of current or former public defenders, assistant  
 183 public defenders, criminal conflict and civil regional counsel,  
 184 and assistant criminal conflict and civil regional counsel; the  
 185 names, home addresses, telephone numbers, dates of birth, and  
 186 places of employment of the spouses and children of such  
 187 defenders or counsel; and the names and locations of schools and  
 188 day care facilities attended by the children of such defenders  
 189 or counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
 190 the State Constitution.

191 m. The home addresses, telephone numbers, dates of birth,  
 192 and photographs of current or former investigators or inspectors  
 193 of the Department of Business and Professional Regulation; the  
 194 names, home addresses, telephone numbers, dates of birth, and  
 195 places of employment of the spouses and children of such current  
 196 or former investigators and inspectors; and the names and  
 197 locations of schools and day care facilities attended by the  
 198 children of such current or former investigators and inspectors  
 199 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 200 Constitution. This sub-subparagraph is subject to the Open  
 201 Government Sunset Review Act in accordance with s. 119.15 and  
 202 shall stand repealed on October 2, 2022, unless reviewed and  
 203 saved from repeal through reenactment by the Legislature.

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204 n. The home addresses, telephone numbers, and dates of  
 205 birth of county tax collectors; the names, home addresses,  
 206 telephone numbers, dates of birth, and places of employment of  
 207 the spouses and children of such tax collectors; and the names  
 208 and locations of schools and day care facilities attended by the  
 209 children of such tax collectors are exempt from s. 119.07(1) and  
 210 s. 24(a), Art. I of the State Constitution. This sub-  
 211 subparagraph is subject to the Open Government Sunset Review Act  
 212 in accordance with s. 119.15 and shall stand repealed on October  
 213 2, 2022, unless reviewed and saved from repeal through  
 214 reenactment by the Legislature.

215 o. The home addresses, telephone numbers, dates of birth,  
 216 and photographs of current or former personnel of the Department  
 217 of Health whose duties include, or result in, the determination  
 218 or adjudication of eligibility for social security disability  
 219 benefits, the investigation or prosecution of complaints filed  
 220 against health care practitioners, or the inspection of health  
 221 care practitioners or health care facilities licensed by the  
 222 Department of Health; the names, home addresses, telephone  
 223 numbers, dates of birth, and places of employment of the spouses  
 224 and children of such personnel; and the names and locations of  
 225 schools and day care facilities attended by the children of such  
 226 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
 227 the State Constitution. This sub-subparagraph is subject to the  
 228 Open Government Sunset Review Act in accordance with s. 119.15  
 229 and shall stand repealed on October 2, 2019, unless reviewed and  
 230 saved from repeal through reenactment by the Legislature.

231 p. The home addresses, telephone numbers, dates of birth,  
 232 and photographs of current or former impaired practitioner

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233 consultants who are retained by an agency or current or former  
 234 employees of an impaired practitioner consultant whose duties  
 235 result in a determination of a person's skill and safety to  
 236 practice a licensed profession; the names, home addresses,  
 237 telephone numbers, dates of birth, and places of employment of  
 238 the spouses and children of such consultants or their employees;  
 239 and the names and locations of schools and day care facilities  
 240 attended by the children of such consultants or employees are  
 241 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 242 Constitution. This sub-subparagraph is subject to the Open  
 243 Government Sunset Review Act in accordance with s. 119.15 and  
 244 shall stand repealed on October 2, 2020, unless reviewed and  
 245 saved from repeal through reenactment by the Legislature.

246 q. The home addresses, telephone numbers, dates of birth,  
 247 and photographs of current or former emergency medical  
 248 technicians or paramedics certified under chapter 401; the  
 249 names, home addresses, telephone numbers, dates of birth, and  
 250 places of employment of the spouses and children of such  
 251 emergency medical technicians or paramedics; and the names and  
 252 locations of schools and day care facilities attended by the  
 253 children of such emergency medical technicians or paramedics are  
 254 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 255 Constitution. This sub-subparagraph is subject to the Open  
 256 Government Sunset Review Act in accordance with s. 119.15 and  
 257 shall stand repealed on October 2, 2021, unless reviewed and  
 258 saved from repeal through reenactment by the Legislature.

259 r. The home addresses, telephone numbers, dates of birth,  
 260 and photographs of current or former personnel employed in an  
 261 agency's office of inspector general or internal audit

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262 department whose duties include auditing or investigating waste,  
 263 fraud, abuse, theft, exploitation, or other activities that  
 264 could lead to criminal prosecution or administrative discipline;  
 265 the names, home addresses, telephone numbers, dates of birth,  
 266 and places of employment of spouses and children of such  
 267 personnel; and the names and locations of schools and day care  
 268 facilities attended by the children of such personnel are exempt  
 269 from s. 119.07(1) and s. 24(a), Art. I of the State  
 270 Constitution. This sub-subparagraph is subject to the Open  
 271 Government Sunset Review Act in accordance with s. 119.15 and  
 272 shall stand repealed on October 2, 2021, unless reviewed and  
 273 saved from repeal through reenactment by the Legislature.

274 s. The home addresses, telephone numbers, dates of birth,  
 275 and photographs of current or former directors, managers,  
 276 supervisors, nurses, and clinical employees of a substance abuse  
 277 service provider that is licensed under part II of chapter 397  
 278 and whose duties include the counseling and treatment of persons  
 279 who have mental health or substance abuse disorders; the home  
 280 addresses, telephone numbers, photographs, dates of birth, and  
 281 places of employment of the spouses and children of such  
 282 personnel; and the names and locations of schools and day care  
 283 facilities attended by the children of such personnel are exempt  
 284 from s. 119.07(1) and s. 24(a), Art. I of the State  
 285 Constitution. This sub-subparagraph is subject to the Open  
 286 Government Sunset Review Act in accordance with s. 119.15 and  
 287 shall stand repealed on October 2, 2023, unless reviewed and  
 288 saved from repeal through reenactment by the Legislature.

289 3. An agency that is the custodian of the information  
 290 specified in subparagraph 2. and that is not the employer of the

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291 officer, employee, justice, judge, or other person specified in  
 292 subparagraph 2. shall maintain the exempt status of that  
 293 information only if the officer, employee, justice, judge, other  
 294 person, or employing agency of the designated employee submits a  
 295 written request for maintenance of the exemption to the  
 296 custodial agency.

297 4. The exemptions in this paragraph apply to information  
 298 held by an agency before, on, or after the effective date of the  
 299 exemption.

300 Section 2. (1) The Legislature finds that it is a public  
 301 necessity that all of the following identifying and location  
 302 information be exempt from s. 119.07(1), Florida Statutes, and  
 303 s. 24(a), Article I of the State Constitution:

304 (a) The home addresses, telephone numbers, dates of birth,  
 305 and photographs of current or former directors, managers,  
 306 supervisors, nurses, and clinical employees of a substance abuse  
 307 service provider that is licensed under part II of chapter 397,  
 308 Florida Statutes.

309 (b) The home addresses, telephone numbers, photographs,  
 310 dates of birth, and places of employment of the spouses and  
 311 children of personnel identified in paragraph (a).

312 (c) The names and locations of schools and day care  
 313 facilities attended by the children of such personnel.

314 (2) The Legislature finds that the release of such  
 315 identifying and location information may place current or former  
 316 directors, managers, supervisors, nurses, and clinical employees  
 317 of a substance abuse service provider that is licensed under  
 318 part II of chapter 397, Florida Statutes, and their family  
 319 members, in danger of physical and emotional harm from hostile

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320 persons who may react inappropriately and violently to actions  
 321 taken by such directors, managers, supervisors, nurses, or  
 322 clinical employees of a substance abuse service provider that is  
 323 licensed under part II of chapter 397, Florida Statutes. These  
 324 personnel provide services that are necessary and appropriate  
 325 for persons who have mental health or substance abuse disorders.  
 326 In addition, these personnel provide valuable and supportive  
 327 services to the state's most vulnerable residents. Despite the  
 328 value of such services, some persons may become hostile toward  
 329 the personnel and may pose a threat to them indefinitely. The  
 330 harm that may result from the release of such personal  
 331 identifying and location information outweighs any public  
 332 benefit that may be derived from the disclosure of the  
 333 information.

334 Section 3. This act shall take effect July 1, 2018.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/20/18

Meeting Date

1364

Bill Number (if applicable)

Topic PUBLIC RECORDS/SUBSTANCE ABUSE SERVICE PROVIDERS Amendment Barcode (if applicable)

Name DAPHNEE SAINVIL

Job Title POLICY ADVISOR

Address 115 S. ANDREWS AVE Street

Phone 954-253-7320

FT. LAUDERDALE FL 33301 City State Zip

Email dsainvil@broward.org

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [x] In Support [ ] Against (The Chair will read this information into the record.)

Representing BROWARD COUNTY BO. OF COUNTY CMSRS.

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [x] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/20/18  
Meeting Date

SB 1364  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Richard Chapman

Job Title Mental Health Counselor

Address 1131 N. 50<sup>th</sup> St Apt  
Street

Phone 813-240-5061

Tampa Florida 33617  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Appropriations Subcommittee on Higher Education, *Chair*  
Appropriations  
Appropriations Subcommittee on Transportation, Tourism, and Economic Development  
Education  
Governmental Oversight and Accountability  
Rules  
Transportation

**JOINT COMMITTEE:**  
Joint Legislative Budget Commission

**SENATOR BILL GALVANO**

21st District

February 20, 2018

Senator Dennis Baxley  
404 South Monroe Street  
525 Knott Building  
Tallahassee, FL 32399

Dear Chairman Baxley:

I am writing to request approval to be excused from the Committee on Governmental Oversight and Accountability meeting held today. I apologize for the delay in submitting this request.

I appreciate your consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Bill".

Bill Galvano

Handwritten initials "OK" in a simple, bold font.

cc: Diana Caldwell  
Tamra Redig

**REPLY TO:**

- 1023 Manatee Avenue West, Suite 201, Bradenton, Florida 34205 (941) 741-3401
- 420 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5021

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Transportation, *Vice Chair*  
Appropriations Subcommittee on General  
Government  
Appropriations Subcommittee on Pre-K - 12 Education  
Criminal Justice  
Governmental Oversight and Accountability

### SELECT COMMITTEE:

Joint Select Committee on Collective Bargaining

### SENATOR DARRYL ROUSON

19th District

February 18, 2018

Chair Baxley,

I will be out of town on Tuesday the 20<sup>th</sup> due to work obligations and will be absent from the Government Oversight and Accountability Committee meeting.

Thank you,

Darryl Rouson

A handwritten signature in cursive script that reads "Darryl Rouson".

State Senator, District 19

A large handwritten signature or set of initials, appearing to be "DKB", written in a bold, cursive style with a long horizontal stroke underneath.

### REPLY TO:

- 535 Central Avenue, Suite 302, St. Petersburg, Florida 33701 (727) 822-6828
- 212 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5019

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore

# CourtSmart Tag Report

**Room:** SB 401

**Case No.:**

**Type:**

**Caption:** Senate Governmental Oversight and Accountability Committee

**Judge:**

**Started:** 2/20/2018 1:33:51 PM

**Ends:** 2/20/2018 1:41:26 PM

**Length:** 00:07:36

**1:33:54 PM** Meeting called to order by Chair Baxley  
**1:33:59 PM** Roll call. Quorum is present.  
**1:34:15 PM** Senator Rouson is excused  
**1:34:57 PM** Tab 1 - CS/SB 28 Relief of Christopher Cannon by the City of Tallahassee, by Montford, Sen. Stewart co-sponsor to present the bill  
**1:36:03 PM** Questions?  
**1:36:17 PM** Sen. Mayfield, question on driving record of bus driver.  
**1:37:02 PM** Appearance forms? None  
**1:37:08 PM** Debate? None  
**1:37:12 PM** Sen. Stewart waives close  
**1:37:22 PM** Roll Call for CS/SB 28 - favorable  
**1:37:38 PM** Tab 2 - CS/SB 1364, Public Records/Substance Abuse Service Providers by Senator Rader  
**1:38:08 PM** Questions? None  
**1:38:12 PM** Appearance Forms?  
**1:38:20 PM** Daphnee Sainvil, Policy Advisor, Broward County Bd. of County Commissioners, waives in support  
**1:38:34 PM** Richard Chapman, Mental Health Council, Tampa, FL, waives in support  
**1:38:51 PM** Debate? None  
**1:38:58 PM** Sen. Rader waives close  
**1:39:07 PM** Roll call on CS/SB 1364 - favorable  
**1:39:33 PM** Chair - any questions or business?  
**1:40:06 PM** Senator Rader, compliments Chair and committee staff for hard work  
**1:41:10 PM** Senator Mayfield moves to adjourn  
**1:41:19 PM** Meeting is adjourned