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LEGISLATIVE ALERT

March 16, 2015

Florida's Legislature taking the "sun" out of Sunshine Week



Yesterday kicked off **Sunshine Week**, our annual celebration of Florida's open government laws and the oversight and accountability those laws protect.

Well, it seems the Florida Legislature has a very different idea of how to celebrate Sunshine Week – there are nearly three dozen (!) exemption bills scheduled for a hearing in both chambers. And that's only through mid-week! At this rate, we may not have a public records law by the end of session.

Many of these proposed exemptions are narrow and certainly justified, but others are way too broad and are contrary to the public's interest. Really, sometimes you can't help but ask

What are they thinking???

Here are a few bills to watch this Sunshine Week:

CS/SB 248 Exemption/Body Camera Videos by Senator Chris Smith (D-Ft. Lauderdale). The use of body cameras by law enforcement officers is intended to promote public trust in the activities of law enforcement officers and to protect those officers from unsubstantiated accusations. But if CS/SB 248 becomes law, then virtually all videos through the use of body cameras will be exempt from public disclosure. The bill creates numerous and broad public record exemptions for videos taken by law enforcement officers inside a house, at hospitals, at the scene of medical emergencies, inside a school or on school property, and any video of any child younger than 12. (Tamir Rice, the young boy shot and killed by a Cleveland police officer was 12. Remember?) And keep in mind, CS/SB 248 exempts the *entire* video in all cases, not just the identifying information of those caught on tape.

- **CS/SB 248** is scheduled for consideration by the S. Governmental Oversight Committee at 9:00 AM on Tuesday, March 17 in room 401 SOB.

SB 962 Exemption/CDD Surveillance Tapes by Senator John Legg. SB 962 creates a public record exemption for surveillance videos created to monitor activities occurring inside or outside of public buildings or on public property held by a community development district for the stated purpose of protecting individual privacy. I have no clue what – or who – is behind this proposed exemption, but it simply makes no sense. The bottom line: There is no right to privacy in public spaces.

- **SB 962** will be heard by the S. Community Affairs Committee at 9:00 AM on Tuesday, March 17 in room 301 SOB.

And the *dooziest* of doozies?

HB 1015 Exemption/Agency Personnel Information by Rep. Chris Latvala (R- Clearwater). HB 1015 expands the current public record exemption for the home addresses of current law enforcement officers and state agency personnel to also exempt residential addresses other than home addresses, including former residences and residences in which such personnel frequently reside, and information identifying former places of employment. All this in the name of protecting the safety of our law enforcement officers and other personnel. Can I ask a very obvious question: How does shielding information about where an officer *use* to live or *use* to work protect that officer's safety? And what about public safety? Take a look at this investigative piece by the Sarasota *Herald-Tribune* from a few years ago:

<http://www.heraldtribune.com/article/20111204/ARTICLE/111139979>

But you know what really gets my goat about HB 1015? It was filed in response to a mistake made by the City of Clearwater when it released an *UNREDACTED* copy of a police officer's personnel file in response to a public records request. The officer was then victimized by an identity thief.

So let's get this straight: A government agency makes a mistake by releasing *information that is exempt* from public disclosure, and Rep. Latvala wants to create *more* exemptions. *Puuuhlease.*

- **HB 1015** is scheduled for a hearing by the H. Criminal Justice committee this afternoon, March 16, at 4:00 PM.

In addition to the trifecta of bad bills to be heard in committee this week, there are 9 bills on this week's Special Order Calendar in both the House and Senate. Eight of these are simple reenactments of existing exemptions, but there's one bill that is of grave concern, **CS/SB 200** by Senator Jack Latvala (R- Clearwater) that creates **an exemption for email addresses held by county tax collectors**. Why? Identity theft and fraud, so they say. But check out <http://scam-detector.com/scams> – there are currently hundreds of active scams, including 93 face-to-face scams. The simple fact is this: closing access to public records does NOT protect people from crime. Increase consumer education and teach people how to protect themselves, don't create another new exemption that gives taxpayers a false sense of security.

- **CS/SB 200** is on the Senate Special Order calendar on Wednesday, March 18.

If you have questions about these open government bills or any of the other three dozen exemption bills currently on our tracking list, please contact Barbara Petersen at 800/337-3518 or sunshine@floridafaf.org.