

---

# THE BRECHNER REPORT

---

Volume 39, Number 8 ■ A monthly report of mass media law in Florida  
Published by The Brechner Center for Freedom of Information ■ College of Journalism and Communications ■ University of Florida  
August 2015

## Police department limits access to Twitter account

MIAMI – The Miami-Dade County Police created two Twitter accounts, but only one will be open to the public, according to The Miami Herald.

The account titled @MiamiDadePD is open to the public for anyone to follow, but the account @MDPDmedia is for reporters only, and the police department must approve followers for that account, the paper reported.

Miami-Dade Detective Alvaro Zabaleta told the paper the purpose of the media account is to keep local media informed about events like where reporters can speak with public information officers at crime scenes. Zabaleta said he doesn't think the public needs to know where those areas

**OPEN  
GOVERNMENT**

are, the paper reported.

Zabaleta said the approval process is no different than other police departments around the country, according to the paper. Zabaleta explained that any tweets on @MDPDmedia would be provided to the public as requested, the paper reported.

*Source: The Miami Herald Politics Blog*

## Bus company files records suit

TAMPA – A school bus company filed a public records lawsuit against the Hillsborough County School District regarding the purchase of school buses, according to The Tampa Tribune.

Blue Bird bus company claims the school district failed to respond to a public records request regarding the process district officials took to determine which school buses to purchase, the paper reported.

**ACCESS  
RECORDS**

“Our intention is to lay out a road map of what’s going on,” the bus company’s attorney, Ed Turanchik, told the paper. “At the end of the day, we just want it to be fair.”

Blue Bird asked that the bus purchase be postponed until the district and officials from Florida Transportation Systems, Blue Bird’s local dealer, can meet to discuss the district’s decision, the paper reported.

*Source: The Tampa Tribune*

## Parents question school meeting

SARASOTA COUNTY – Parents of charter school students accused the school of violating Florida’s Sunshine Law, according to the Sarasota Herald-Tribune.

Sarasota Military Academy Prep’s board of directors voted to fire Col. Phillip Eddy, who had served as the head of the middle school during a meeting, the paper reported.

**ACCESS  
MEETINGS**

representative present at all meetings, which the military academy does not have, the paper reported.

In response to concerns about violating Florida’s Sunshine Law, the board of directors that oversees both the Military Academy and the Military Academy Prep held an open meeting to discuss their decision to restructure

the school administration, according to the paper. The board voted to have a principal at each school, overturning their previous decision, the paper reported.

*Source: Sarasota Herald-Tribune*

## Officials meet about monkey farm lawsuit

HENDRY COUNTY – Hendry County officials will hold a closed meeting to discuss a pending lawsuit regarding monkey farms, according to The News-Press (Fort Myers).

The meeting will involve discussing the county’s strategy and settlement negotiations in the lawsuit, the paper reported.

**ACCESS  
MEETINGS**

The lawsuit claims the county violated Florida’s Sunshine Law when approving construction of a monkey farm without public input, according to the paper. The Animal Legal Defense Fund argues the county misinterpreted the definition of “agriculture” to include monkey farms, the paper reported.

The county claims that since the property is zoned for agriculture, no public input on the monkey farm was necessary, according to the paper.

The county asked for the case to be dismissed, but a circuit judge ruled in March that it could proceed, the paper reported.

*Source: The News-Press (Fort Myers)*

# ACCESS MEETINGS

## Jaguars' closed meeting raises Sunshine questions

JACKSONVILLE – The Jacksonville Jaguars reached an agreement about naming rights in a closed meeting, raising questions about Florida's Sunshine Law, according to The Florida Times-Union.

The football team and the city-owned stadium, EverBank Field, agreed on a deal altering their off-season lease in a meeting with Mayor-elect Lenny Curry's

transition team, the paper reported.

The private meeting included city officials, a city attorney and a representative from the Jaguars. The newspaper then asked questions about whether the meeting should have been open to the public.

Curry's spokesman told the paper the fact-finding meeting wasn't required to

be public because the transition team's executive director was the only person with decision-making authority.

Jason Gabriel, the city's General Counsel, said the meeting should not have been public since the team was just listening to information, the paper reported.

*Source: The Florida Times-Union*

## Officials complain about group

TAMPA – Government officials and companies that they do business with across the state have complained about a nonprofit group that files public records lawsuits, according to the Tampa Bay Times.

Government officials say Citizens Awareness Foundation files lawsuits after making a public records request to a low-level employee, often forcing them into technical violations of the law, the paper reported. Sometimes, according to the officials, the requests are made via emails that appear to be spam, according to the paper.

The foundation filed nearly 2,000 public records requests with the town of Gulf Stream in Palm Beach County in two years, the paper reported. The town said it has spent more than \$1 million in fulfilling records requests and on legal bills,

according to the paper.

Gulf Stream filed a federal class action racketeering suit against the foundation, but the suit was dismissed by a federal judge on June 30, the paper reported.

A bill was introduced to address the foundation's practices this legislative session that would have required a public records requester to contact a government agency's records custodian and give five

days notice before filing a lawsuit, the paper reported. The bill was not passed.

Most cities settle lawsuits filed with the foundation

because it is often cheaper than going to court, according to the paper.

Martin O'Boyle, the foundation's founder, told the paper it is losing thousands of dollars resolving outstanding lawsuits, but is now defunct.

*Source: Tampa Bay Times*

**ACCESS  
RECORDS**

## Judge protects 20/20 reporter

BROWARD COUNTY – A circuit judge ruled in favor of ABC News, denying a request for a subpoena of news footage of a solicited murder, according to the court opinion.

Circuit Judge Martin J. Bidwill ruled the footage was covered by Florida's reporter's privilege.

The state charged the defendant with soliciting an undercover police officer to murder

a witness against her in a pending first-degree murder case, the opinion stated.

During the solicitation investigation, the ABC news show 20/20 learned of the investigation and produced a segment for the show, which aired in January 2015, according to the opinion. ABC included interviews with witnesses and recordings made by the Broward Sheriff's Office, the opinion stated.

The defendant sought a subpoena of all the unedited footage compiled during the production of the 20/20 segment, according to the opinion.

Florida law recognizes a reporter's privilege unless the party seeking the privileged information can prove that the news organization possesses relevant information, the same information is not available from alternative sources, and the party has a compelling need for the privileged information, the opinion stated.

Bidwill found that the defendant had already received all the recordings from the Broward Sheriff's Office, and the defendant had not established that the material was not available from alternative sources, according to the opinion.

*Source: State of Florida v. Jacqueline Luongo, Order Denying Defendant's Motion for Subpoena Duces Tecum, No. 14-13813CF10A*

**REPORTER'S  
PRIVILEGE**

## State gun range officials investigated

CHARLOTTE COUNTY – State gun range officials have been pocketing money made from recycled brass, according to an investigation by the Sarasota Herald-Tribune.

An investigation by the paper revealed that money made from recycling brass from the Cecil M. Webb Shooting Range, meant for charity, was instead being dispersed among two state employees and a felon, the paper reported. Signs at the range read, "Brass recycled in these bins will help fund the Florida Youth Hunt program," the paper reported.

Glen Nickell, Webb's chief range safety officer, John Weatherholt, his boss, and Glenn Demoss, one of their employees, have been selling the brass to recyclers throughout Florida and keeping the money, according to the paper.

A public records request filed by the paper revealed that one of the recycling companies paid Weatherholt more than \$12,000 and Nickell more than \$9,000 during the past two years, the paper reported.

The three men had been sharing the profits from these sales with the range staff, but stopped in 2012 when a staff member told the Florida Fish and Wildlife Conservation Commission what was happening, according to the paper.

Commission Executive Director Nick Wiley ordered an investigation by his Inspector General's Office when he learned of the Herald-Tribune investigation, the paper reported.

"I see that as violating the public trust," Wiley told the paper. "It hurts the whole agency."

Weatherholt resigned after the paper's investigation began, according to the paper.

*Source: Sarasota Herald-Tribune*

**OPEN  
GOVERNMENT**

# 2015 LEGISLATIVE REVIEW

TALLAHASSEE – The following is a summary of bills pertaining to public records and open meetings introduced during the 2015 legislative session. Chief sponsors of the bills are indicated in italics.

Copies of the legislation are available at the Florida Legislature's website ([www.leg.state.fl.us](http://www.leg.state.fl.us)).

SB=Senate Bill; HB=House Bill;  
CS=Committee Substitute

*The following 12 bills create new exemptions to the state Public Records and Open Meetings law.*

## **CS/HB 7 Minor Claim Settlements:**

Creates an exemption for court records relating to the settlement of a claim to the guardianship of a minor or ward. Allows a guardian ad litem, a minor's attorney, or a minor over the age of 14 to access the records. Rep. Kathleen Passidomo (R-Naples) Approved by Gov. Scott June 2, 2015.

## **CS/SB 144 Home Addresses-Impaired Practitioner Consultants:**

Creates an exemption for the home addresses, telephone numbers, birthdates and photographs of current and former impaired practitioner consultants and their employees. Also exempts the names, addresses, birthdates, places of employment, and other similar information of their spouses and children. Sen. Aaron Bean (R-Jacksonville) Approved by Gov. Scott May 21, 2015.

## **CS/HB 185 Home Addresses – U.S. Military Personnel:**

Creates an exemption for the home addresses, telephone numbers and photographs of current and former service members of the U.S. Armed Forces, including the reserve component of the Armed Forces or National Guard who served after September 11, 2001. Also exempts similar information of their spouses and children. Requires them to request confidentiality in writing and requires reasonable steps be taken to protect such information from being accessible through other means. Rep. Matt Gaetz (R-Shalimar) Approved by Gov. Scott June 2, 2015.

## **CS/SB 200 Email Addresses – Tax Collectors:**

Creates an exemption for a taxpayer's email address held by a tax collector for the purpose of sending tax notices or obtaining consent to send tax

notices. Sen. Jack Latvala (R-Clearwater) Approved by Gov. Scott May 14, 2015.

## **CS/SB 248 Body Cameras/Recording of Law Enforcement Activities:**

Creates an exemption for body camera recordings taken within the interior of a private residence, at a health care, mental health care or social services facility, and in a place where a person recorded or depicted has a reasonable expectation of privacy. Allows for disclosure of the recordings in furtherance of a law enforcement agency's official duties and responsibilities, in furtherance of other governmental entities' official duties and responsibilities, and pursuant to a court order. Also requires that the recordings be retained for a minimum of 90 days. Sen. Chris Smith (D- Fort Lauderdale) Approved by Gov. Scott May 21, 2015.

## **HB 467 Human Trafficking Victims:**

Expands current exemption for criminal intelligence and criminal investigative information to include any information revealing the identity of human trafficking victims under the age of 18. Rep. Ross Spano (R-Riverview) Approved by Gov. Scott June 11, 2015.

## **HB 469 Safe Houses – Sexual Exploitation Victims:**

Creates an exemption for the location of safe houses, safe foster homes or other residential facilities serving victims of sexual exploitation. Also creates an exemption for information about the location of a residential facility offering services for victims of human trafficking. The exemption does not apply to facilities licensed by the Agency for Health Care Administration. Rep. Ross Spano (R-Riverview) Approved by Gov. Scott June 11, 2015.

## **CS/SB 646 Florida ABLE Program:**

Creates an exemption for personal financial and health information of participants in the ABLE program. SB 642 creates the Florida Achieving a Better Life Experience (ABLE) Act, requiring the Florida Prepaid College Board to establish a direct support organization to assist the disabled in saving money without losing eligibility for state and federal benefits. Sen. Lizbeth Benacquisto (R-Fort Myers) Approved by Gov. Scott May 21, 2015.

## **CS/SB 716 Veterinary Medical Practice:**

Creates an exemption for medical

records relating to diagnosing the medical condition of any animal, prescribing, dispensing or administering drugs and appliances, and treatments for prevention, cure or relief of a condition of any animal held by a state college of veterinary medicine. Sen. Alan Hays (R-Umatilla) Approved by Gov. Scott May 21, 2015.

## **SB 7032 Identifying Information – Deceased Children:**

Creates an exemption for information identifying surviving siblings of a child whose death occurred as a result of abuse or neglect verified by the State Child Abuse Death Review Committee. Also exempts the identity of a deceased child whose death was reported to the central abuse hotline but determined not to be the result of abuse or neglect. S. Health Policy, Approved by Gov. Scott May 21, 2015.

## **CS/SB 7040 Email Addresses – Department of Highway Safety and Motor Vehicles:**

Creates an exemption for email addresses collected by the Department of Highway Safety and Motor Vehicles. S. Transportation, Approved by Gov. Scott May 14, 2015.

## **HB 7061 Florida RICO Act**

**Investigations:** Creates an exemption for information relating to a RICO investigation until all investigations relating to the information are completed. H. Civil Justice, Approved by Gov. Scott June 2, 2015.

*The following bill passed the legislature but was vetoed by Gov. Scott.*

## **CS/HB 997 Investigations – Department of Agriculture and Consumer Services:**

Creates an exemption for information held by the Department of Agriculture and Consumer Services as part of a joint or multi-agency investigation. Also exempts criminal or civil investigative information or any other information held by the department which is received by another state or federal agency. Rep. Jay Trumbull (R-Panama City) Vetoed by Gov. Scott on June 16, 2015.

*The following six open government bills do not create new exemptions to the state Public Records and Open Meetings law.*

## **CS/SB 228 Online Voter Registration:**

Requires the Florida Department of State to implement an online voter registration

# LEGISLATION CONTINUED

system by October 2017. The bill stipulates that all information submitted online must be verified by the Department of Highway Safety and Motor Vehicles. Also requires a comprehensive risk assessment before the system is available to the public. Sen. Jeff Clemens (D-Lake Worth) Approved by Gov. Scott May 15, 2015.

**CS/SB 538 Disclosure of Sexually Explicit Images:** Creates the crime of sexual cyberharassment, which is defined as the Internet publication of sexually explicit images of a person that identifies the person in the image without the person's consent and with the intent to cause substantial emotional distress to the person. The bill establishes that a person who willfully and maliciously engages in this behavior is guilty of a first-degree misdemeanor. Sen. David Simmons (R-Altamonte Springs) Approved by Gov. Scott May 14, 2015.

**HB 985 Maintenance of Agency Final Orders:** Requires agencies subject to the Administrative Procedures Act to provide the Division of Administrative Hearings with electronic copies of agency final orders for inclusion in a centralized electronic database available on the DOAH website. Rep. Eric Eisnagle (R-Orlando) Approved by Gov. Scott June 11, 2015.

**CS/SB 766 Drone Surveillance:** Creates the Freedom from Unwarranted Surveillance Act, which prohibits the use of drones to record images of privately owned or occupied property, or of people on the premises with the intent to conduct surveillance of the individual or property in violation of a reasonable expectation of privacy without written consent. Sen. Dorothy Hukill (R-Port Orange) Approved by Gov. Scott May 14, 2015.

**CS/SB 1312 Strategic Lawsuits Against Public Participation (SLAPP):** Prohibits strategic lawsuits against public participation by government agencies in order to protect the rights of citizens to speak freely on public issues. The bill expands the definition of "free speech in connection with public issues" to include statements made before a government entity and statements made in connection with plays, movies, TV programs, broadcasts, audiovisual works, books, magazine articles, musical works and news reports. Sen. David Simmons

(R-Altamonte Springs) Approved by Gov. Scott May 21, 2015.

**HB 7001 Intercepting and Recording Oral Communications:** Allows a child under the age of 18 to intercept and record an oral communication if the child is a party to the communication and has reasonable grounds to believe the communication will capture statements by another party which indicate that party intends to commit, is committing or has committed an unlawful sexual act of physical force or violence against the child. H. Criminal Justice Subcommittee, Approved by Gov. Scott May 22, 2015.

*The following seven exemptions were re-enacted in 2015 under the Open Government Sunset Review Act (OGSR), which requires review of exemptions every five years.*

**HB 7005 OGSR/Commission for Independent Education:** Reenacts, without modification, a limited exemption for investigative records of the Commission for Independent Education. Allows the Commission to close meetings of the probable cause panel at which such investigations are discussed. The meetings must be recorded and both the recordings and the record are subject to disclosure 10 days after a decision regarding probable cause. H. Government Operations Subcommittee, Approved by Gov. Scott June 11, 2015.

**SB 7008 OGSR/Licensure Examinations – Funeral Board:** Reenacts, without modification, an exemption for portions of meetings of the Funeral, Cemetery and Consumer Services Board at which licensure questions are discussed. S. Banking and Insurance, Approved by Gov. Scott May 21, 2015.

**SB 7010 OGSR/Examination Techniques – Office of Financial Regulation:** Reenacts, with minor modifications, an exemption for information that would reveal examination techniques or procedures used by the Office of Financial Regulation. S. Banking and Insurance, Approved by Gov. Scott May 21, 2015.

**HB 7011 OGSR/Personal Information – Public Transit Providers:** Reenacts the exemption for personal identifying information held by a public transit provider. H. Government Operations

Subcommittee, Approved by Gov. Scott June 11, 2015.

**SB 7012 OGSR/Credit History and Credit Scores – Office of Financial Regulation:** Reenacts, without modification, an exemption for credit history and credit score information related to the licensing of mortgage brokers and lenders in compliance with federal law. S. Banking and Insurance, Approved by Gov. Scott May 21, 2015.

**SB 7016 OGSR/Identifying Information – Minors:** Reenacts, without modification, an exemption for information that would identify a minor petitioning a circuit court for a judicial waiver under the Parental Notice of Abortion Act. S. Judiciary, Approved by Gov. Scott May 21, 2015.

**CS/SB 7034 OGSR/Identifying Information – Stalking Victims:** Reenacts, without modification, an exemption for the names, addresses and telephone numbers contained in voter registration records of persons who are victims of stalking or aggravated stalking if the victim complies with procedures for registering with the Office of Attorney General. S. Ethics and Elections, Approved by Gov. Scott May 21, 2015.

*The following bills were introduced in the 2015 session but were not passed.*

CS/SB 182 and CS/HB 223 Exemption/ Executive Searches – Universities and Colleges

SB 1274 Exemption/Academic Research Development and Publication  
HB 4039 University Direct Support Organizations

CS/HB 163 and CS/SB 224 Public Records/Public Agency Contracts

CS/HB 57 and SB 7080 Law Enforcement Officer Body Cameras

HB 183 and CS/SB 488 Expunction/ Criminal History Records

HB 205 and SB 334 Retention/Criminal History Records

HB 581 and SB 852 Exemption/Body Camera Recordings and Videos

HB 1065 and SB 1470 Law Enforcement Lethal Use of Force Commission

HB 1137 and SB 1356 Exemption/ Criminal History Records Expunction

SB 1164 Expunction of DUI Criminal History Records

CS/SB 1316 and HB 7103 Exemption/ Juvenile Criminal History Records

# LEGISLATION CONTINUED

SB 1612 and HB 7107 Exemption/  
Criminal History Records  
CS/HB 7105 Expunging and Sealing  
Criminal History Records  
CS/HB 65 and CS/SB 826 Exemption/  
Unsolicited Proposals  
HB 75 and SB 232 Department of  
Economic Opportunity Web Page  
HB 59 and SB 480 Student Data  
Privacy  
HB 559 and SB 846 Exemption/  
Location of Artificial Reefs  
HB 131 Use of Intercepted Wire of Oral  
Communications  
SB 218 Interception and Recording of  
Oral Communications  
HB 505 and SB 514 Baker Act  
Revisions  
HB 7065 Exemption/Child Pornography  
HB 805 and SB 1268 Exemption/

Bodily Injury Liability Insurance Policies  
CS/HB 171 and SB 1272 Exemption/  
Personal Information – Emergency  
Information Systems  
SB 276 Publication/Mug Shots  
HB 535 and CS/SB 552 Exemption/  
Individual Identifying Information –  
Homeless Management Information  
System  
HB 1097 Exemption/Medical  
Marijuana Patient Registry  
SB 1504 Exemption/Florida Health  
Access Marketplace  
CS/HB 571 and SB 1530 Florida  
Privacy Protection Act  
HB 979 and CS/SB 1178 Florida Drone  
Privacy Act  
CS/HB 91 and CS/HB 564 Exemption/  
Financial Information  
CS/HB 93 and CS/SB 566 Trade Secret

Exemptions  
CS/HB 1209 and SB 1582 Exemption/  
Trade Secrets – High-Pressure Well  
Stimulation Chemical Disclosure Registry  
HB 1235 Exemption/Proprietary  
Business Information – Department of  
Gaming Control  
CS/HB 1015 and CS/SB 1324  
Exemption/Agency Personnel Information  
HB 537 and CS/SB 962 Exemption/  
CDD Surveillance Videos  
SB 126 Social Media Privacy  
CS/HB 549 and CS/SB 1114  
Membership Associations

Sources: Florida First Amendment  
Foundation (<http://floridafaf.org>), Florida  
Senate (<http://www.flsenate.gov>), Florida  
House of Representatives ([http://www.  
myfloridahouse.gov](http://www.myfloridahouse.gov))

## Judge rescinds order restricting court protests

JACKSONVILLE – A judge rescinded an administrative order limiting the types of demonstrations that can occur outside courthouses, according to The Florida Times-Union.

In the order, Chief Judge Mark Mahon of the 4th Judicial Circuit had said that courthouse security can regulate any materials or activity outside courthouses that question the integrity of the court or judges, the paper reported. The order was criticized by media groups and other activists, according to the paper.

Members of Jacksonville media organizations met with Mahon following the July 1 order to discuss how the order would hinder the way those organizations covered court proceedings, the paper

reported. Mahon rescinded the order on July 7, the same day that activists filed a federal lawsuit challenging the constitutionality of the order, according to the paper.

Mahon's initial order appeared to be triggered by members of a group called Photography is Not a Crime, the paper reported. The order references an incident where a member of the group began shouting that judges were corrupt during a press conference outside the courthouse, according to the paper.

The order stated that any person engaging in conduct that degrades or questions judges can be held in contempt of court, according to the paper. Mahon

wrote that courthouse security is supposed to give someone a warning the first time, but the Jacksonville Sheriff's Office may intervene the second time, the paper reported.

Mahon said in his original order, "shouting out on the Courthouse grounds that the Court and judges are 'corrupt' during business hours while people are entering the Courthouse is entirely inappropriate and disruptive and is analogous to falsely shouting 'fire' in a crowded theater."

Source: The Florida Times-Union, Administrative Order No. 2015-3, Fourth Judicial Circuit of Florida, Filed July 1, 2015

### COURTS

## Hospital violated records law

TALLAHASSEE – An appeals court upheld a ruling that a hospital authority violated Florida's Public Records Law, according to the court opinion.

The 1st District Court of Appeal ruled in favor of Stewart Lilker, who requested records from the Lake Shore Hospital Authority, the opinion stated.

The circuit court ruled the hospital authority violated the law by placing "unreasonable restrictions" on Lilker's access to public records by referring Lilker to a website in response to his public records requests and limiting his time to inspect the records to one hour

per day, according to the opinion.

Florida's Public Records Law allows citizens to inspect and copy public records "at any reasonable time," the opinion stated, but a custodian of the records may reasonably restrict inspection to business hours, which the hospital authority did not do.

Additionally, the court ruled electronic records are an additional means of inspecting records, but it is insufficient when a citizen specifically requests paper copies of the records, according to the opinion.

Source: Lake Shore Hospital Authority v. Stewart Lilker, Case No. 1D14-4579

### ACCESS RECORDS

#### THE BRECHNER REPORT

Brechner Center for Freedom of Information  
3208 Weimer Hall, P.O. Box 118400  
College of Journalism and Communications  
University of Florida, Gainesville, FL 32611-8400  
<http://www.brechner.org>  
e-mail: [brechnerreport@jou.ufl.edu](mailto:brechnerreport@jou.ufl.edu)

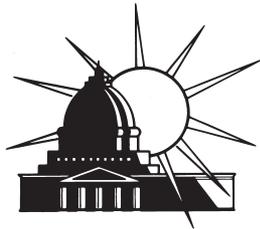
Sandra F. Chance, J.D., Exec. Director/Exec. Editor  
Sarah Papadelias, Editor  
Sarah Silberman, Production Coordinator

The Brechner Report is published 12 times a year under the auspices of the University of Florida Foundation. The Brechner Report is a joint effort of The Brechner Center for Freedom of Information, the University of Florida College of Journalism and Communications, the Florida Press Association, the Florida Association of Broadcasters, the Florida Society of Newspaper Editors and the Joseph L. Brechner Endowment.

# THE BRECHNER REPORT

University of Florida  
Brechner Center for Freedom of Information  
3208 Weimer Hall, P.O. Box 118400  
Gainesville, FL 32611

August 2015



UF UNIVERSITY of  
FLORIDA

Non-Profit Organization  
U.S. POSTAGE  
PAID  
Permit No. 94  
Gainesville, FL

## Unusual legislative session yields dismal results

To say the 2015 legislative session was unusual is probably the biggest understatement of the year. The Republican-controlled House and Senate spent two months bickering like dysfunctional siblings over issues of grave concern and great public interest, and in the rather abrupt end, not much got done. One thing our legislature could agree on, however, was placing new restrictions on our constitutional right of access to government records.

There were 13 new public record exemptions created during this year's regular session, and Gov. Rick Scott signed all but one into law. Pragmatically, it could have been worse had the House not quit days before the scheduled end of the legislative session, forcing the Senate to do the same. (In comparison, there were 22 new exemptions created last year – an astounding 12 percent of all bills passed by the Legislature.)

The  
**Back Page**  
By *Barbara Petersen*

Of the 12 new exemptions, the First Amendment Foundation requested Scott to veto four – the largest number of veto requests in our history. And while there were a few bright spots during an otherwise dismal session (passage of anti-SLAPP legislation, for example), the focus belongs on those bills that will do the most harm to our constitutional right of access.

**CS/HB 185 U.S. Military Personnel Information:** Of major concern is an exemption for the home addresses, telephone numbers, etc., of all U.S. military, reserves, and National Guard personnel who served after 9/11. The exemption also protects the same information for the spouses and children of such persons. According to the required statement of public necessity, the purpose of the exemption is to protect those who served from the possibility of a terrorist threat. But as we pointed out in our veto request, the exemption applies to all military personnel who served after 9/11, and is not restricted to those in active duty. Additionally, if the concern is that our military personnel will be targeted by terrorists, why not include those who served before 9/11, in Operation Desert Storm, for example.

This exemption will potentially apply to tens of thousands of current and retired military personnel who live in Florida, both those currently active and those who have retired here. The burden on record custodians to identify and redact this information will be difficult, and the delays and costs associated with obtaining



*Barbara Petersen*

commonly requested public records such as tax roles or voter registration records will increase dramatically.

**CS/SB 248 Body Camera Videos:** This bill received a lot of media attention during the legislative process and, as a result of concerns raised about the breadth of the exemption, the sponsor agreed to amendments that narrowed its scope, but only slightly. The new law, which became effective with Scott's signature, provides an exemption for police body camera videos taken within a private home or medical facility, or at any location where a person has a reasonable expectation of privacy. It's a blanket exemption – in other words, rather than

blurring the image of those recorded, the entire video is exempt from disclosure.

Law enforcement can release the exempt videos, and anyone who is depicted in the recording can obtain a copy, but only of those portions in the video that directly relate to the person's presence in the recording. The video can also be released by court order; however, the standard for release is extremely high and could prove to be an effective barrier against public disclosure.

There was little opposition to the passage of CS/SB 248, with only two "no" votes in the House despite the fact there was no House companion and the substance of the bill wasn't heard in any House committee.

**CS/SB 200 and CS/SB 7040 Email Addresses:** These two bills are virtually identical – CS/SB 200 exempts email addresses held by a tax collector for the purpose of sending tax notifications, and CS/SB 7040 applies to email addresses collected by the DHSMV. The stated purpose for the exemption is to protect people receiving tax notices or applying for a driver's license from scams and fraud. But if that's the case, why protect only those who own property or who want to obtain a license?

According to the website spam-detector.com, there are hundreds of active scams, including scams via telephone and even in-person scams. What we need is better consumer education, not additional exemptions that weaken our right of access and oversight and provide only the illusion of protection.

So, a dismal session in so many ways, yes. Currently, there are 1,100 exemptions to our right of access to the records and meetings of our government. Death by 1,100 paper cuts.

*Barbara Petersen is president of Florida's First Amendment Foundation.*