

Tab 1	CS/SB 44 by CJ, Wright ; (Similar to H 01049) Drones
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Tab 2	SB 418 by Burgess ; (Identical to H 00327) Public Records/Persons Seeking Shelter
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

**MILITARY AND VETERANS AFFAIRS, SPACE, AND
 DOMESTIC SECURITY**

Senator Wright, Chair
Senator Harrell, Vice Chair

MEETING DATE: Tuesday, February 16, 2021
TIME: 12:30—3:00 p.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Building*

MEMBERS: Senator Wright, Chair; Senator Harrell, Vice Chair; Senators Burgess, Cruz, Gibson, Rodriguez, and Torres

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A2 AT THE DONALD L. TUCKER CIVIC CENTER, 505 W. PENSACOLA STREET, TALLAHASSEE, FL 32301			
	Presentation by Jacob Oliva, Chancellor of the Division of Public Schools, Department of Education		Presented
1	CS/SB 44 Criminal Justice / Wright (Compare H 433, S 518)	Drones; Expanding the authorized uses of drones by law enforcement agencies, by a state agency or political subdivision, or by certified fire department personnel for specified purposes, etc. CJ 01/26/2021 Fav/CS MS 02/16/2021 Favorable RC	Favorable Yeas 7 Nays 0
2	SB 418 Burgess (Identical H 327)	Public Records/Persons Seeking Shelter; Creating an exemption from public records requirements for the name, address, and telephone number of a person which are held by an agency providing shelter or assistance to such person during an emergency; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. MS 02/16/2021 Favorable GO RC	Favorable Yeas 7 Nays 0
Other Related Meeting Documents			



Purple Star School Program and Aerospace Industry Training in K-12

Senate Committee on Military and Veterans Affairs, Space, and Domestic Security
February 16, 2021

Jacob Oliva, Chancellor of Public Schools
Henry Mack, Chancellor of Career and Adult Education

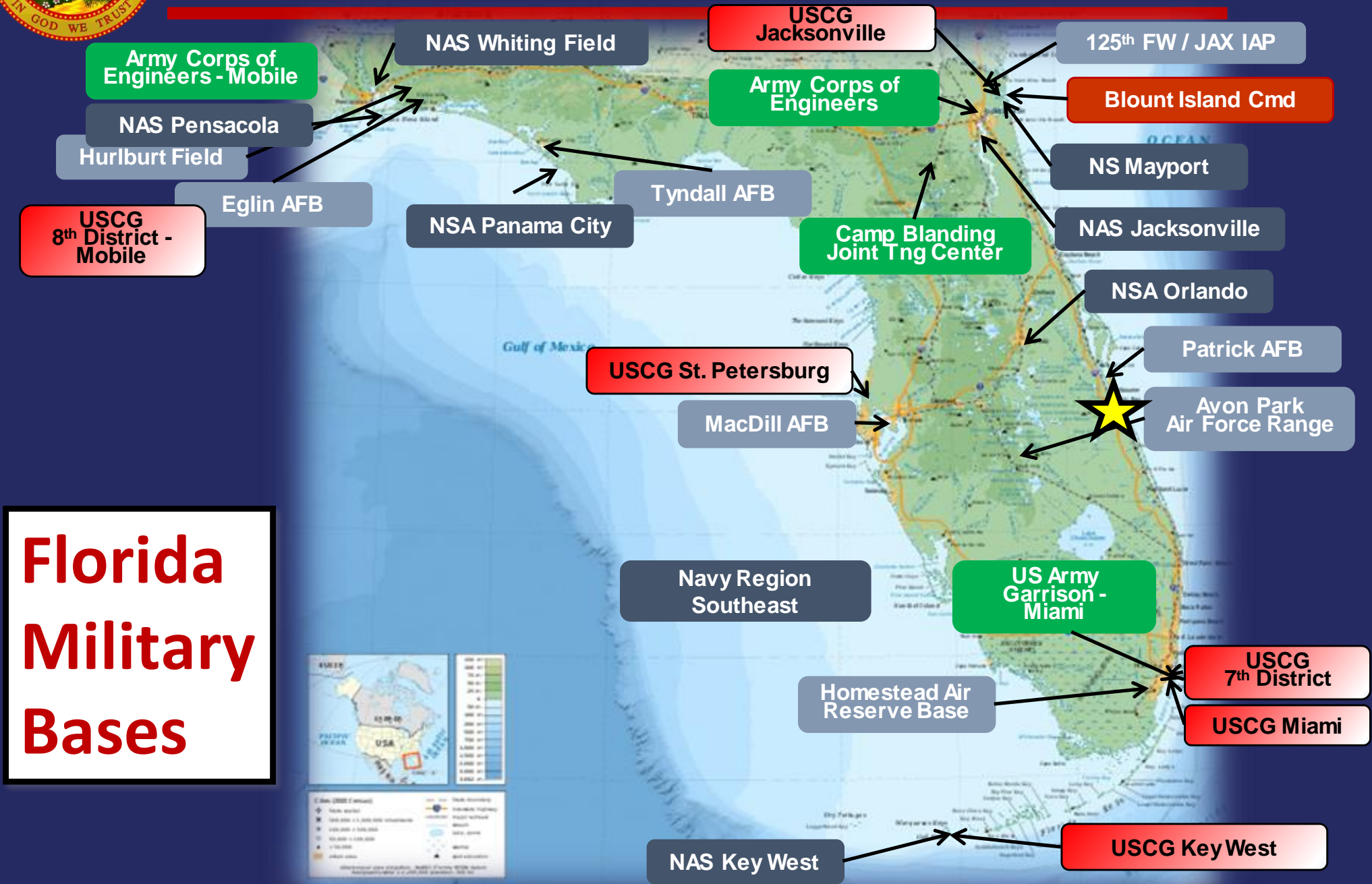


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State of Florida



Key Issues Affecting Military Students

Academic Issues

- Typical student experiences between 6-9 transitions
- Adjustment to New School Setting
- Transfer of Services for Special Education
- Incompatible Graduation Requirements
- Redundant / Missed Testing
- Transfer of Coursework and Grades
- Transfer of Records
- Exclusion from Extra-curricular Activities

Key Issues Affecting Military Students

Interpersonal Issues Affecting Performance

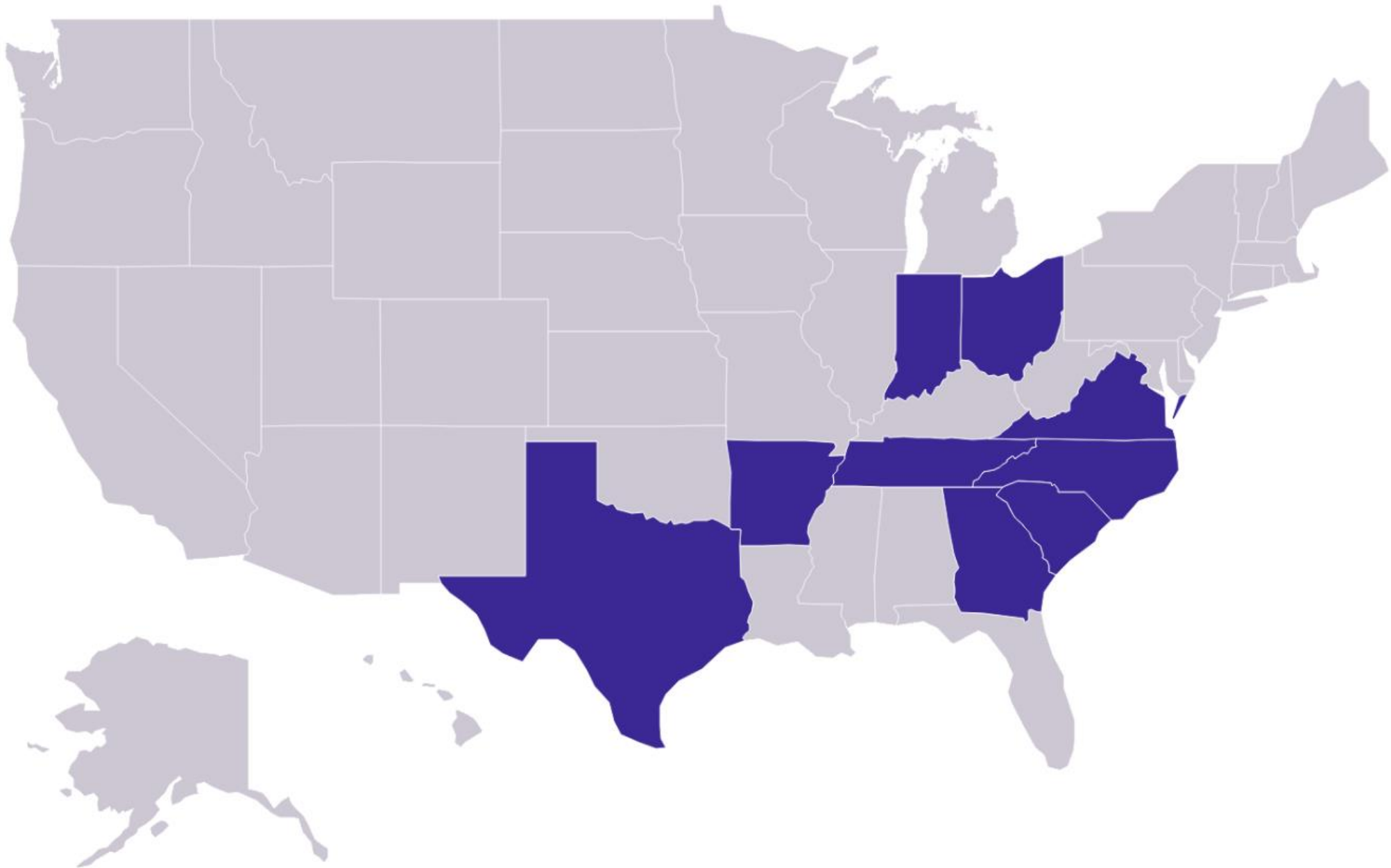
- Social and Emotional Needs – New Friends/Peers
- 1 in 15 military dependents have lost a parent to war
- Typical deployments vary from 45 days – 1+ yrs
- Deployments can be sudden / no notice
- Recent Air Force survey showed that even parents who don't deploy cope more poorly due to increased work load
- Issues can also begin during reintegration when the military member returns

Interstate Compact on Educational Opportunity for Military Children



- Section 1000.36, F.S.
- Florida has been a member since 2008.
- The Compact addresses key educational transition issues encountered by military families including enrollment, placement, attendance, eligibility and graduation.
- Children of active duty members of the uniformed services, National Guard and members of veterans who are medically discharged or retired for one year are eligible for assistance under the Compact.

Purple Star School Program



National Purple Star School Criteria

- Designate a staff point of contact for military students and families, who serves as the primary link between the military family and the school. The individual can be a counselor, administrator, teacher, or other staff member.
- Establish and maintain a dedicated page on its website featuring information and resources for military families.
- Maintain a student-led transition program to include a student transition team coordinator.
- Provide professional development for additional staff on special considerations for military students and families.

Florida-Specific Ideas

- We have talked with our military family advocates about additional ideas.
 - Schools must have a strong academic record.
 - Schools will designate some school choice seats open specifically for military students.



Aerospace Industry Training in K-12

- Increased enrollment in aerospace and aviation-related CTE programs, up to 4,254 unduplicated headcount in 2019-2020.
- Support through Perkins V
- Increased industry certification attainment (786 statewide, up **26%**) related to aerospace:
 - FAA Aviation Maintenance Tech
 - Small Unmanned Aircraft System Certification
 - FAA Ground School
 - FAA Private Pilot
- Partnership with Florida**Makes** & FLATE
 - Scale manufacturing/advanced technology education

Aerospace Industry Training in K-12

- Immersive Learning and Augmented Reality CTE Training Program
- State Framework Updates
- Career Dual Enrollment
 - Example: Broward College and Miramar High
- Articulation
 - Gold Standard Agreements
 - Regional Career Pathway Agreements
 - AS to BAS/BS Agreements

AVIATION CDE PROGRAM

Joint program between BCPS and Broward College

	YEAR	COURSE Name	Credits / Hours
HIGH SCHOOL	10 th Grade	General 1 (PSAV Career Dual Enrollment) <i>*FAA General Industry Certification</i>	400 hours
	11 th Grade	Airframe 1 (PSAV Career Dual Enrollment)	400 hours
	12 th Grade	Airframe 2 (PSAV Career Dual Enrollment) <i>*FAA Airframe Industry Certification</i>	400 hours
BROWARD COLLEGE: YEAR 1	BC1, Fall	Powerplant 1 <i>*Upon BC Enrollment 1200 hours convert to 36 credits</i>	12 credits
	BC1 Spring	Powerplant 2 <i>*FAA Powerplant Industry Certification</i>	12 credits
	BC1 Summer	General Education classes for AS degree	12 credits
BROWARD COLLEGE: YEAR 2	BC2, Fall	General Education Classes for AS degree General Education classes for AA degree <i>*earn AS Aviation Management degree</i>	11 credits 3 credits
	BC2, Spring	General Education Classes for AA degree General Education classes for BS degree <i>enroll in BS Aerospace Sciences program</i> <i>*earn AA degree</i>	6 credits 9 credits
	BC2, Summer	General Education classes for BS degree	12 credits
BROWARD COLLEGE: YEAR 3	BC3, Fall	General Education classes for BS degree	15 credits
	BC3, Spring	General Education classes for BS degree	12 credits
	BC3, Summer	General Education classes for BS degree <i>*earn BS Aerospace Sciences degree</i>	12 credits

***These are exit points of the program in which the student has employable skills to enter the workforce or career.**



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THE FLORIDA SENATE
APPEARANCE RECORD

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

02/16/2021

Meeting Date

Bill Number (if applicable)

Topic Purple Star Program

Amendment Barcode (if applicable)

Name Jacob Oliva

Job Title Chancellor, Division of Public Schools

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Email jacob.oliva@fldoe.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Department of Education

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.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

02/16/2021

Meeting Date

Bill Number (if applicable)

Topic K-12 Aerospace Training

Amendment Barcode (if applicable)

Name Henry Mack

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Email henry.mack@fldoe.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Department of Education

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S-001 (10/14/14)

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.)

Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

BILL: CS/SB 44

INTRODUCER: Criminal Justice Committee and Senator Wright

SUBJECT: Drones

DATE: February 15, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Jones</u>	<u>CJ</u>	Fav/CS
2.	<u>Stallard</u>	<u>Caldwell</u>	<u>MS</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 44 provides additional exceptions to the statutory ban on certain uses of drones by law enforcement agencies, fire departments, state agencies, and political subdivisions of the state.

Currently, s. 934.50, F.S., prohibits a:

- Law enforcement agency from using a drone to gather evidence or other information.
- Person, or state or local entity, from using a drone to capture images of private property in violation of a person's reasonable expectation of privacy.

However, these prohibitions are subject to exceptions, and the bill adds to these exceptions. Specifically, under the bill, s. 943.50, F.S., no longer prohibits a law enforcement agency from using a drone to:

- Assist with traffic management, except that the agency may not issue a traffic citation based on images or video captured by a drone; and
- Facilitate evidence collection at a crime scene or traffic crash scene.

Moreover, the bill provides that s. 934.50, F.S., does not prohibit a state agency or political subdivision to use a drone to assess damage due to a natural disaster, or for the management of vegetation and wildlife management on public land or water. Finally, the bill provides that this section does not prohibit certified fire department personnel to use drones, as long as they use the drone to perform tasks within the scope and practice authorized under their certifications.

The bill takes effect July 1, 2021.

II. Present Situation:

Overview

Section 934.50, F.S., prohibits a law enforcement agency from using a drone to gather information, and prohibits any person or state entity from using a drone to record an image of a person in violation of the person's reasonable expectation of privacy.¹ However, these prohibitions are subject to several exceptions, including use by police pursuant to a search warrant or under exigent circumstances, such as the prevention of an imminent loss of life or escape of a prisoner.² Other exceptions to the statutory ban include certain uses by utility companies or by a licensed professional who is not using the drone to track people.³

Federal law, unlike Florida law, does not include a statute or regulation expressly targeting governmental drone use that might invade a citizen's privacy. However, federal law does include various restrictions and regulations on drone use, including airspace restrictions and licensing requirements.

Moreover, the Fourth Amendment to the United States Constitution guarantees a person the right to be free from an unreasonable search. This is relevant because remote surveillance could constitute a search, which, if not supported by a search warrant or other authorization, would violate the Fourth Amendment.

Drones

A drone, also called an Unmanned Aerial Vehicle (UAV) and Unmanned Aerial System (UAS), is defined in s. 934.50, F.S., as a powered, aerial vehicle that:

- Does not carry a human operator;
- Uses aerodynamic forces to provide vehicle lift;
- Can fly autonomously or be piloted remotely;
- Can be expendable or recoverable; and
- Can carry a lethal or nonlethal payload.⁴

Drones range in size from wingspans of 6 inches to 246 feet and can weigh from approximately 4 ounces to over 25,600 pounds.⁵ They may be controlled manually or through an autopilot that uses a data link to connect the drone's pilot to the drone.⁶ Drones can be equipped with infrared

¹ Section 934.50(3), F.S.

² See s. 934.50(4), F.S., for the list of exceptions.

³ *Id.*

⁴ Section 934.50(2), F.S.

⁵ 72 FR 6689, Federal Aviation Administration (FAA), *Unmanned Aircraft Operations in the National Airspace System*, February 13, 2007, available at <https://www.federalregister.gov/documents/2007/02/13/E7-2402/unmanned-aircraft-operations-in-the-national-airspace-system>.

⁶ *Id.*

cameras,⁷ and “LADAR” (laser radar).⁸ In 2011, it was reported that the U.S. Army contracted with two corporations to develop facial recognition and behavioral recognition technologies for drone use.⁹

Federal Law and Regulation

Federal law and regulation govern who may fly a drone, as well as when and where the person may do so. The FAA is responsible for regulating aircraft, including drones, that fly in U.S. airspace.¹⁰ In February 2012, Congress passed the Federal Aviation Authority (FAA) Modernization and Reform Act of 2012 (Act), which required the FAA to safely open the nation’s airspace to nongovernmental drones by September 2015.¹¹

Neither federal law nor regulation categorically prohibit police, firefighters, or other governmental agents to operate a drone over a crime scene, or over a flood or other natural disaster. However, the FAA often implements Temporary Flight Restrictions around wildfires to protect firefighting aircraft.¹² Additional FAA airspace restrictions include the area around Washington, D.C., sports stadiums, and airports.¹³

⁷ Infrared cameras can see objects through walls based on the relative levels of heat produced by the objects. *Drones in Domestic Surveillance Operations: Fourth Amendment Implications and Legislative Responses*, Congressional Research Service, April 3, 2013, available at www.fas.org/sgp/crs/natsec/R42701.pdf (last viewed January 7, 2021). Search and rescue drones equipped with thermal imaging help first responders identify the location of people lost in chaotic scenes, and police departments have started using drones with thermal capabilities to identify the location of suspects while keeping an infrared eye on their officers. *Best Infrared Drones (Buying Guide)*, Spire Drones, available at <https://buythebestdrone.com/best-infrared-drones/> (last viewed February 3, 2021).

⁸ The research and development laboratory at the Massachusetts Institute of Technology has developed airborne lidar systems that generate detailed 3D imagery of terrain and structures, including those beneath dense foliage. The lab reports that the micro-lidar could be used under both clear and heavy foliage conditions for surveillance and reconnaissance missions as well as for humanitarian assistance and disaster relief operations. Lincoln Laboratory, Massachusetts Institute of Technology, R & D Projects, *Micro-lidar*, available at <https://www.ll.mit.edu/r-d/projects/micro-lidar> (last viewed February 3, 2021).

⁹ Popular Science, Clay Dillow, *Army Developing Drones That Can Recognize Your Face From a Distance*, September 28, 2011, available at pops.ci.com/technology/article/2011-09/army-wants-drones-can-recognize-your-face-and-read-your-mind (last viewed February 3, 2021). See also Police1.com, 2017 Guide to Emerging Technologies, Val Van Brocklin, *Facial recognition technology and a ‘reasonable expectation of privacy,’* May 16, 2017, available at <https://www.police1.com/emerging-tech-guide/articles/facial-recognition-technology-and-a-reasonable-expectation-of-privacy-cxdcRw8BRCu8Dieb/> (last viewed February 3, 2021).

¹⁰ See 49 U.S.C. s. 40103(b)(1) and (2).

¹¹ Public Law 112-95, February 14, 2012, The FAA Modernization and Reform Act of 2012, *Drones in Domestic Surveillance Operations: Fourth Amendment Implications and Legislative Responses*, Congressional Research Service, April 3, 2013, available at www.fas.org/sgp/crs/natsec/R42701.pdf (last viewed February 3, 2021).

¹² FAA, *FAA Drones and Wildfires Digital Toolkit*, available at https://www.faa.gov/uas/media/FAA_drones_wildfires_toolkit.pdf (last viewed February 3, 2021). Moreover, Congress has authorized the FAA to impose a civil penalty of up to \$20,000 against any drone pilot who interferes with wildfire suppression, law enforcement, or emergency response operations. FAA, *FAA Targets UAS Violators for Enforcement*, available at <https://www.faa.gov/news/updates/?newsId=91706> (last visited Feb. 4, 2021).

¹³ FAA, Unmanned Aircraft Systems, *Airspace Restrictions*, July 16, 2020, available at https://www.faa.gov/uas/where_to_fly/airspace_restrictions/ (last viewed February 7, 2021); see also FAA Drones and Wildfires Digital Toolkit, available at https://www.faa.gov/uas/media/FAA_drones_wildfires_toolkit.pdf (last viewed February 3, 2021).

Choice of Regulatory Framework for Governmental Operators

A governmental agent may operate a drone under one of two legal frameworks — that for “public unmanned aircraft systems,” or that for “small unmanned aircraft systems.” The framework for small unmanned aircraft systems is much more extensive, and it is the same framework under which a private citizen would operate a drone.¹⁴

The legal framework for “public unmanned aircraft systems” consists primarily of one statute.¹⁵ Under this statute, a governmental operator may seek a certificate of authorization or certificate of waiver from the FAA.¹⁶ If granted, the operator may operate a drone weighing 4.4 pounds or less.¹⁷ The drone must be kept within the line of sight of the operator and below 400 feet, and may only be operated during the day.¹⁸

Many governmental operators choose instead to operate their drones as “small unmanned aircraft systems.” These drones are subject to extensive regulations, codified in the Code of Federal Regulations, and first promulgated in 2016.¹⁹ These regulations were recently substantially amended, and the amendments take effect in March.²⁰

As of March 16, 2021, operators of small drones (those under 55 pounds) will no longer need to seek special authorization before operating a drone that passes over people, including people in moving vehicles.²¹ However, the regulations pertaining to these flights vary somewhat, depending on the size of the craft.²² Moreover, operating a drone in *sustained* flight over an open-air assembly of people remains subject to restrictions.²³ Under these restrictions, a drone must be equipped with individual identification as specified in rule and must continuously transmit specified information regarding its location.²⁴

¹⁴ FAA, Drones in Public Safety—A Guide to Starting Operations (Feb. 2019), available at https://www.faa.gov/uas/public_safety_gov/media/Law_Enforcement_Drone_Programs_Brochure.pdf; FAA, *A “UAS Primer for Public Safety”, Public Aircraft OPS VS Part 07*, (Jan. 2020), available at <https://www.faa.gov/uas/files/gslac/library/documents/2020/Jan/233377/Public%20Safety%20PAO%20vs%20Part%20107%20Primer%20v2.1.pdf>. See 49 U.S.C. ch. 448 for the federal statutes pertaining to drones. The primary statute relating to public unmanned aircraft systems is 49 U.S.C. s. 44806, and the primary statute relating to small unmanned aircraft systems is 49 U.S.C. s. 44802. The rules authorized by 49 U.S.C. s. 44802 are at 14 C.F.R. 107.

¹⁵ 49 U.S.C. s. 44806.

¹⁶ See 49 U.S.C. s. 44806(a)(1).

¹⁷ 49 U.S.C. s. 44806(b)(2)(C).

¹⁸ *Id.*

¹⁹ See 14 C.F.R. 107.

²⁰ FAA, *Operation of Small Unmanned Aircraft Systems Over People*, 86 FR 4314, available at <https://www.federalregister.gov/d/2020-28947/p-85>.

²¹ *Id.* Prior to this change, a drone operator who did not have special authorization could not fly a drone over people who were not in covered structure, stationary vehicle, or participating in the drone operation.

²² See 14 C.F.R. 107.110-165 (effective March 16, 2021), available at <https://www.ecfr.gov/cgi-bin/text-idx?SID=a70adf1ff1545784a28e989f2ddeae94&mc=true&node=20210115y1.103>. These provisions set forth Categories 1 through 4, each with its own requirements.

²³ The FAA describes sustained flight to include “hovering above the heads of persons gathered in an open-air assembly, flying back and forth over an open-air assembly, or circling above the assembly in such a way that the small unmanned aircraft remains above some part of the assembly.” FAA, *Operation of Small Unmanned Aircraft Over People*, 86 FR 4314, available at <https://www.federalregister.gov/d/2020-28947/p-208>.

²⁴ See 14 C.F.R. 89.110 and 89.115(a) (effective March 16, 2021) for the details of these requirements, available at <https://www.ecfr.gov/cgi-bin/text-idx?SID=a70adf1ff1545784a28e989f2ddeae94&mc=true&node=pt14.2.89&rgn=div5>.

However, these restrictions are subject to waiver by the FAA. Thus, if an operator receives a waiver, he or she does not have to meet the normal requirements for operating a drone over people.²⁵

The Fourth Amendment to the United States Constitution

The Fourth Amendment prohibits an unreasonable search.²⁶ The analysis of whether an instance of governmental conduct, such as surveillance, violates this prohibition involves two main questions: Was there a search, and if so, was it reasonable?

Under the Fourth Amendment, a search occurs when the government breaches a person's reasonable expectation of privacy, such as by physically entering the person's home or by tapping a person's phone.²⁷ A search is unreasonable under the Fourth Amendment if it is conducted without a warrant or other constitutionally sufficient authorization, such as consent.²⁸

The Court does not appear to have decided a drone-surveillance case. However, in at least two cases, the Court has examined (warrantless) aerial surveillance to see whether it amounted to a search.²⁹ In these cases, the Court determined that governmental agents did not conduct searches for Fourth Amendment purposes when they observed private property with the naked eye from heights of 400 and 1,000 feet, respectively.³⁰ Nonetheless, given that Fourth Amendment cases are highly fact-dependent, it is possible that the Court would distinguish these cases from a future case involving surveillance by way of a drone equipped with a camera.

Florida Law

Florida's Prohibition on Certain Drone Uses – Section 934.50, F.S.

Section 934.50, F.S., is the “Freedom from Unwarranted Surveillance Act.” Subject to exceptions, it prohibits a law enforcement agency³¹ from using a drone to gather information and prohibits private or governmental entities from using a drone to capture images in violation of a person's reasonable expectation of privacy. For the purposes of this statute, a real property owner, tenant, occupant, invitee, or licensee is presumed to have a reasonable expectation of

²⁵ 14 C.F.R. 107.205.

²⁶ U.S. CONST. amend. IV

²⁷ *E.g., Katz v. U.S.*, 389 U.S. 347, 353 (1967) (holding that the use of a listening device to the outside of a phone booth to record the conversation occurring within the booth was a search notwithstanding the lack of physical intrusion of the booth because the speaker had a reasonable expectation that his conversation was private).

²⁸ *See California v. Carney*, 471 U.S. 386, 390-91 (1985).

²⁹ *See California v. Ciraolo*, 476 U.S. 207, 213-14 (1986) (holding that the government did not conduct a search when it observed a private home from 1,000 feet up in the “public navigable airspace” in a “physically nonintrusive manner”); *Florida v. Riley*, 488 U.S. 445, 450-52 (1989) (holding that the government did not conduct a search when it observed marijuana plants in the curtilage of a property from 400 feet up).

³⁰ *Id.*

³¹ A law enforcement agency is defined in s. 934.50(2)(d), F.S., as a lawfully established state or local public agency that is responsible for the prevention and detection of crime, local government code enforcement, and the enforcement of penal, traffic, regulatory, game, or controlled substance laws.

privacy from drone surveillance³² while on the property.³³ However, this presumption only applies while the person is “not observable by persons located at ground level in a place where they have a right to be.”³⁴

Section 934.50, F.S., includes a list of ten exceptions to its ban on drone surveillance. These exceptions include specified uses by law enforcement, utilities, firefighters, businesses, and individuals. With regard to law enforcement, the statute does not prohibit drone use that is pursuant to a search warrant or when the agency has a reasonable suspicion that “swift action” is necessary to prevent the imminent loss of life, escape of a prisoner, or other specified circumstance.³⁵ Additionally, the statute provides that it does not prohibit drone use for aerial mapping, for specified purposes by a utility company, for the delivery of cargo, or for surveying of wildlife and vegetation by a non-law enforcement employee of the Florida Fish and Wildlife Commission.³⁶

The Florida Sheriff’s Association indicates that 30 sheriff’s offices have drones.³⁷ Of the 133 police departments that responded to the question regarding whether their department has at least one drone, 59 said they have a drone and 23 responded that they plan to obtain a drone.³⁸

Section 934.50, F.S. provides several remedies for victims of prohibited drone use.³⁹ In order to enforce the prohibition in s. 934.50, F.S., on the wrongful use of a drone by law enforcement, the statute provides that evidence collected in violation of the statute is inadmissible in court. Moreover, an aggrieved party may initiate a civil action against a law enforcement agency to obtain all appropriate relief in order to prevent or remedy a violation of s. 934.50, F.S.⁴⁰ Additionally, a victim may recover compensatory damages against any person or entity that violates s. 934.50, F.S., and may be entitled to punitive damages.⁴¹

Weaponized Drones Prohibited in Florida

In Florida, s. 330.411, F.S., prohibits a person from possessing or operating an unmanned aircraft or unmanned aircraft system as defined in s. 330.41, F.S., with an attached weapon, firearm,

³² Surveillance is defined in s. 934.50(2)(e), F.S.: With respect to an owner, tenant, occupant, invitee, or licensee of privately owned real property, the observation of such persons with sufficient visual clarity to be able to obtain information about their identity, habits, conduct, movements, or whereabouts; or with respect to privately owned real property, the observation of such property’s physical improvements with sufficient visual clarity to be able to determine unique identifying features or its occupancy by one or more persons.

³³ Section 934.50(3)(b), F.S.

³⁴ *Id.*

³⁵ Section 934.50(4)(b) and (c), F.S. Section 934.50, F.S., also does not prohibit the use of a drone to counter a high risk of a terrorist attack if the Secretary of the U.S. Department of Homeland Security indicates that such a risk exists. Section 934.50(4)(a), F.S.

³⁶ See s. 934.50(4), F.S., for a complete list of the exceptions, including the specific circumstances required for each exception.

³⁷ E-mail from Florida Sheriff’s Association Deputy Executive Director of Operations dated January 8, 2021 (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

³⁸ E-mail from Florida Police Chiefs Association Executive Director dated January 20, 2021 (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

³⁹ See s. 934.50(5), F.S.

⁴⁰ Section 934.50(5)(a), F.S.

⁴¹ See s. 934.50(5), F.S., for the complete list of remedies.

explosive, destructive device, or ammunition as defined in s. 790.001, F.S.⁴² North Dakota is the only state that allows law enforcement agencies to use weaponized drones. The weapons used are limited to the non-lethal variety such as tear gas, rubber bullets, bean bags, pepper spray, and tasers.⁴³

Use of Drones for Law Enforcement Investigations

Several jurisdictions outside Florida, including the Massachusetts State Police and the Lake County Police in Illinois, are reported to be using drones to assist in more efficient and timely traffic crash investigations.⁴⁴ The North Carolina Department of Transportation and North Carolina State Highway Patrol demonstrated in a research project that some advantages to using drones in traffic crash investigations include faster processing and clearing of the scene and opening the road to traffic flow more quickly than traditional evidence-gathering methods.⁴⁵ In addition to quickly and efficiently clearing traffic crash scenes, drone technology has enhanced crime scene documentation using a process called orthomosaic photography that can recreate a crime scene in 3-D.⁴⁶

Drones can also be used by law enforcement to more efficiently do jobs such as searching for evidence.⁴⁷ For example, the San Bernardino Police Department used a drone to successfully search a large field for a gun thrown by a suspect who was being pursued.⁴⁸ The San Bernardino police chief emphasized the cost benefit in deploying a drone versus assembling a team to look for the gun in that situation.⁴⁹

⁴² Section 330.41(2)(c), F.S., defines an unmanned aircraft system as a drone and its associated elements, including communication links and the components used to control the drone which are required for the pilot in command to operate the drone safely and efficiently. Section 330.41(2)(b), F.S., specifies that drone has the same meaning as s. 934.50(2), F.S.

⁴³ North Dakota House Bill 1328 (2015), available at <https://www.legis.nd.gov/assembly/64-2015/documents/15-0259-05000.pdf?20150501154934> (last viewed February 3, 2021).

⁴⁴ *How drones help Lake County police investigate crashes, get roads open faster*, Daily Herald, May 7, 2017, available at <http://www.dailyherald.com/news/20170506/how-drones-help-lake-county-police-investigate-crashes-get-roads-open-faster> (last viewed February 3, 2021).

⁴⁵ “Our research shows that documenting a collision scene using photogrammetry and UAS can be advantageous, especially in terms of speed and cost. With a combination of advanced imaging software and the latest unmanned aircraft systems (UAS) technology, we find that the North Carolina State Highway Patrol (NCSHP) can rapidly map collision scenes and simultaneously gather more information than legacy technologies. Indeed, large scenes can be documented in less than 30 minutes.” *Collision Scene Reconstruction & Investigation Using Unmanned Aircraft Systems*, Division of Aviation, UAS Program Office, N.C. Department of Transportation, August 2017, available at <https://www.ncdot.gov/divisions/aviation/Documents/ncshp-uas-mapping-study.pdf> (last viewed February 3, 2021).

⁴⁶ Mesa County, Colorado, Sheriff’s Office unmanned aircraft program director, Ben Miller, envisions the 3-D crime scene preservation technique as a real aid in cold cases. The Huffington Post, Michelle Fredrickson, *Drones Add a New Dimension to Crime Scene Investigations*, October 24, 2014 (updated December 6, 2017), available at https://www.huffingtonpost.com/pro-journo/drones-add-a-new-dimensio_b_6033392.html (last viewed February 3, 2021).

⁴⁷ Patti Blake and Tom McLaughlin, The News Herald, *Several Florida Police Departments Utilizing Drone Technology*, December 17, 2019, available at <https://www.governing.com/news/headlines/Several-Florida-Police-Departments-Utilizing-Drone-Technology.html> (last viewed February 8, 2021).

⁴⁸ National Police Foundation, Jarrod Burguan, San Bernardino Police Chief, *Drones help augment a police department’s capabilities to fight crime*, available at <https://www.policefoundation.org/drones-help-augment-a-police-departments-capabilities-to-fight-crime/> (last viewed February 3, 2021).

⁴⁹ *Id.*

Tactical Uses for Drones

Some have suggested that drones could be used to gain a tactical advantage in active shooter situations like that which occurred in Las Vegas in 2017 at the outdoor music festival at which 58 people were killed and more than 500 injured.⁵⁰ For example, Brian Levin, director of The Center for the Study of Hate and Extremism at California State University-San Bernardino opines that a “drone could have provided real-time intelligence and surveillance to what’s going on” during the Las Vegas incident.⁵¹ In an article written for the *International Journal of Aviation, Aeronautics, and Aerospace*, Ryan Wallace and Jon Loffi analyzed the law enforcement response to the Las Vegas shooting, concluding that had a drone been accessible to the Las Vegas Police it may have provided life-saving reconnaissance and shooter distraction.⁵²

Fire Department Use of Drones

According to an October 2018 news article, fire departments use UAVs for reconnaissance of wildfires and motor vehicle accident scenes, hazmat incidents, and hot spot identification at structure fires. In addition to the reconnaissance function and hot spot identification, additional uses for UAVs include:

- Search and rescue, even in urban settings;
- Preplanning with aerial photos and video identifying water supply sources, utility shutoffs, and apparatus location planning;
- Winter and ice rescue; and
- Disaster assessment and post-disaster reconnaissance after weather events such as floods or tornados.⁵³

The Mesa Fire and Medical Department in Mesa, Arizona, has also used drones in a variety of capacities, including:

- Gaining a 360-degree perspective on damaged structures;
- Surveying buildings to provide hazard assessments for property owners;
- Water rescue operations and flood damage assessment;
- Assisting with a search for a missing kindergarten teacher; and
- Demonstrating how drones outfitted with special meters and cameras to identify lethal chemicals in hazmat situations can help keep first responders safe.⁵⁴

⁵⁰ Las Vegas Review-Journal, Nicole Raz, *Las Vegas police drones will monitor New Year’s Eve crowds*, December 27, 2017, available at <https://www.reviewjournal.com/entertainment/new-years-eve-in-vegas/las-vegas-police-drones-will-monitor-new-years-eve-crowds/> (last viewed February 3, 2021).

⁵¹ *Id.* See also Wallace, Ryan and Loffi, Jon, *How Law Enforcement Unmanned Aircraft Systems (UAS) Could Improve Tactical Response to Active Shooter Situations: The Case of the 2017 Las Vegas Shooting*, Vol. 4, Article 7, *International Journal of Aviation, Aeronautics, and Aerospace*, October 9, 2017, available at <https://commons.erau.edu/cgi/viewcontent.cgi?referer=https://scholar.google.com/&httpsredir=1&article=1198&context=ijaa> (last viewed February 3, 2021).

⁵² *Id.*

⁵³ Fire Apparatus & Emergency Equipment, Alan M. Petrillo, *Fire Department Drones Serve a Variety of Needs on Incident Scenes*, October 1, 2018, available at <https://www.fireapparatusmagazine.com/fire-apparatus/fire-department-drones-serve-a-variety-of-needs-on-incident-scenes/#gref> (last viewed February 3, 2021).

⁵⁴ Wayne Schutsky, East Valley Tribune, *Ariz. Fire, EMS Leads the Way with Drone Use*, December 20, 2017, available at <https://www.ems1.com/ems-products/technology/articles/370989048-Ariz-fire-EMS-leads-the-way-with-drone-use/> (last viewed February 3, 2021).

In Brevard County, Fire Rescue personnel have been trained to test for the FAA drone pilot certification⁵⁵ so they can conduct search-and-rescue operations, ocean rescue, map brush fires, and examine burning buildings to identify safe entry points for firefighters using drones.⁵⁶

Other Governmental Uses for Drones

Drones are becoming useful for governmental functions outside policing. For example, the Daytona Beach Police Department utilized its drones to document the state of the city's infrastructure immediately before and after Hurricane Irma came through in September 2017 to provide the Federal Emergency Management Agency with the proof necessary to obtain funding for rebuilding. Additionally, the department was able to aid first responders in navigating the fastest and safest routes to those in need of aid by providing a birds-eye view to downed power lines, unstable infrastructure, and blocked roads in the wake of the storm.⁵⁷

III. Effect of Proposed Changes:

The bill provides additional exceptions to the statutory ban on certain uses of drones by law enforcement agencies, fire departments, state agencies, and political subdivisions of the state.

Currently, s. 934.50, F.S., prohibits a:

- Law enforcement agency from using a drone to gather evidence or other information.
- Person, or state or local entity, from using a drone to capture images of private property in violation of a person's reasonable expectation of privacy.

However, these prohibitions are subject to exceptions, and the bill adds to these exceptions. Specifically, under the bill, s. 943.50, F.S., no longer prohibits a law enforcement agency from using a drone to:

- Assist with traffic management, except that the agency may not issue a traffic citation based on images or video captured by a drone; and
- Facilitate evidence collection at a crime scene or traffic crash scene.

Moreover, the bill provides that s. 934.50, F.S., does not prohibit a state agency or political subdivision to use a drone to assess damage due to a natural disaster, or for the management of vegetation and wildlife management on public land or water. Finally, the bill provides that this

⁵⁵ Federal Aviation Administration, *Become a Drone Pilot*, available at https://www.faa.gov/uas/commercial_operators/become_a_drone_pilot/ (last viewed February 3, 2021).

⁵⁶ Rick Neale, Florida Today, *Florida Tech drone training takes flight for Brevard County firefighters, lifeguards*, November 30, 2018, available at <https://www.floridatoday.com/story/news/2018/11/30/florida-tech-drone-training-takes-flight-brevard-firefighters/2140086002/> (last viewed February 3, 2021).

⁵⁷ Police1.com, Jinnie Chua, *Why drones should be part of every PD's disaster response plan*, February 22, 2018, available at <https://www.policeone.com/2018-guide-drones/articles/471474006-Why-drones-should-be-part-of-every-PDs-disaster-response-plan/> (last viewed February 3, 2021); for additional ways the Daytona Beach Police Department has utilized its drones see Stephen Rice, Forbes.com, *10 Ways That Police Use Drones To Protect And Serve*, October 7, 2019, available at <https://www.forbes.com/sites/stephenrice1/2019/10/07/10-ways-that-police-use-drones-to-protect-and-serve/?sh=5a1b31d96580> (last viewed January 8, 2021); and Ginger Pinholster, Fox News 35, Orlando, *Eyes in the Sky and Embry-Riddle Training Help Police End Hotel Standoff*, September 27, 2019, available at <https://news.erau.edu/headlines/eyes-in-the-sky-and-embry-riddle-training-help-police-end-hotel-standoff> (last viewed February 3, 2021).

section does not prohibit certified fire department personnel to use drones, as long as they use the drone to perform tasks within the scope and practice authorized under their certifications.

The bill reenacts s. 330.41(4)(c), F.S., for the purpose of incorporating the amendments made to s. 934.50, F.S.

The bill takes effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, Section 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Privacy

Although it is generally understood that a person does not currently have a reasonable expectation of privacy under the circumstances set forth in the bill, with the evolution of technology as it relates to intrusion into a person's privacy interests, the law applying the Fourth Amendment to the U.S. Constitution, too, may evolve.⁵⁸

Preemption

The regulation of the national airspace and the aircraft that occupy it is a federal matter.⁵⁹ The FAA Chief Counsel issued a document in 2015 about state and local regulation of drones in which he said that state and local restrictions affecting UAS operations should be consistent with the extensive federal statutory and regulatory framework in order to "ensure the maintenance of a safe and sound air transportation system and of navigable

⁵⁸ The Fourth Amendment to the U.S. Constitution protects persons from unreasonable searches and seizures by the government. U.S. Const. amend. IV.

⁵⁹ Congress has vested the FAA with authority to regulate the areas of airspace use, management and efficiency, air traffic control, safety, navigational facilities, and aircraft noise at its source. 49 U.S.C. ss. 40103, 44502, and 44701-44735.

airspace free from inconsistent restrictions.”⁶⁰ However, given the Chief Counsel’s acknowledgement that “laws traditionally related to state and local police power – including land use, zoning, privacy, trespass, and law enforcement operations – generally are not subject to federal regulation”⁶¹ it appears that the bill would not be an encroachment into an area exclusively regulated by the federal government.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill could lead to cost-savings by state and local governments. The bill provides additional exceptions to the statutory ban on drone use by police, firefighters, and others. Accordingly, these entities may be able to use drones, for instance, to more efficiently assess a crime scene or fire.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 934.50 and reenacts section 330.41 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on January 26, 2021:

The committee substitute removes the exception that allowed a law enforcement agency to use a drone to provide an aerial perspective of a crowd of 50 people or more.

⁶⁰ FAA, Office of the Chief Counsel, *State and Local Regulation of Unmanned Aircraft Systems (UAS) Fact Sheet*, December 17, 2015, available at https://www.faa.gov/uas/resources/policy_library/media/UAS_Fact_Sheet_Final.pdf (last viewed February 3, 2021).

⁶¹ *Id.*, citing *Skysign International, Inc. v. City and County of Honolulu*, 276 F.3d 1109, 1115 (9th Cir. 2002).

B. Amendments:

None.

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

By the Committee on Criminal Justice; and Senator Wright

591-01264-21

202144c1

1 A bill to be entitled
 2 An act relating to drones; amending s. 934.50, F.S.;
 3 expanding the authorized uses of drones by law
 4 enforcement agencies, by a state agency or political
 5 subdivision, or by certified fire department personnel
 6 for specified purposes; reenacting s. 330.41(4)(c),
 7 F.S., relating to unmanned aircraft systems, to
 8 incorporate the amendment made to s. 934.50, F.S., in
 9 a reference thereto; providing an effective date.

10 Be It Enacted by the Legislature of the State of Florida:

13 Section 1. Present paragraphs (d) through (k) of subsection
 14 (4) of section 934.50, Florida Statutes, are redesignated as
 15 paragraphs (h) through (o), respectively, new paragraphs (d)
 16 through (g) are added to that subsection, and subsection (3) of
 17 that section is amended, to read:

18 934.50 Searches and seizure using a drone.—

19 (3) PROHIBITED USE OF DRONES.—Except as provided in
 20 subsection (4):

21 (a) A law enforcement agency may not use a drone to gather
 22 evidence or other information.

23 (b) A person, a state agency, or a political subdivision as
 24 defined in s. 11.45 may not use a drone equipped with an imaging
 25 device to record an image of privately owned real property or of
 26 the owner, tenant, occupant, invitee, or licensee of such
 27 property with the intent to conduct surveillance on the
 28 individual or property captured in the image in violation of
 29 such person's reasonable expectation of privacy without his or

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-01264-21

202144c1

30 her written consent. For purposes of this section, a person is
 31 presumed to have a reasonable expectation of privacy on his or
 32 her privately owned real property if he or she is not observable
 33 by persons located at ground level in a place where they have a
 34 legal right to be, regardless of whether he or she is observable
 35 from the air with the use of a drone.

36 (4) EXCEPTIONS.—This section does not prohibit the use of a
 37 drone:

38 (d) To assist a law enforcement agency with traffic
 39 management; however, a law enforcement agency acting under this
 40 paragraph may not issue a traffic infraction citation based on
 41 images or video captured by a drone.

42 (e) To facilitate a law enforcement agency's collection of
 43 evidence at a crime scene or traffic crash scene.

44 (f) By a state agency or political subdivision for the
 45 assessment of damage due to a flood, a wildfire, or any other
 46 natural disaster or for vegetation or wildlife management on
 47 publicly owned land or water.

48 (g) By certified fire department personnel to perform tasks
 49 within the scope and practice authorized under their
 50 certifications.

51 Section 2. For the purpose of incorporating the amendment
 52 made by this act to section 934.50, Florida Statutes, in a
 53 reference thereto, paragraph (c) of subsection (4) of section
 54 330.41, Florida Statutes, is reenacted to read:

55 330.41 Unmanned Aircraft Systems Act.—

56 (4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

57 (c) This subsection does not apply to actions identified in
 58 paragraph (a) which are committed by:

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-01264-21

202144c1

59 1. A federal, state, or other governmental entity, or a
60 person under contract or otherwise acting under the direction of
61 a federal, state, or other governmental entity.

62 2. A law enforcement agency that is in compliance with s.
63 934.50, or a person under contract with or otherwise acting
64 under the direction of such law enforcement agency.

65 3. An owner, operator, or occupant of the critical
66 infrastructure facility, or a person who has prior written
67 consent of such owner, operator, or occupant.

68 Section 3. This act shall take effect July 1, 2021.

Cellon, Connie

From: Matt Dunagan <mdunagan@flsheriffs.org>
Sent: Friday, January 8, 2021 4:24 PM
To: Cellon, Connie; Amy Mercer
Subject: RE: drone count time!

Sheriff Drone Use – January 2021

- 1 Bay County Sheriff's Office
- 2 Bradford County Sheriff's Office
- 3 Brevard County Sheriff's Office
- 4 Broward County Sheriff's Office
- 5 Charlotte County Sheriff's Office
- 6 Clay County Sheriff's Office
- 7 Collier County Sheriff's Office
- 8 Columbia County Sheriff's Office
- 9 Duval County Sheriff's Office
- 10 Franklin County Sheriff's Office
- 11 Gulf County Sheriff's Office
- 12 Hardee County Sheriff's Office
- 13 Hernando County Sheriff's Office
- 14 Highlands County Sheriff's Office
- 15 Lee County Sheriff's Office
- 16 Leon County Sheriff's Office (putting together a team now)
- 17 Manatee County Sheriff's Office
- 18 Marion County Sheriff's Office
- 19 Miami Dade Police Department
- 20 Monroe County Sheriff's Office
- 21 Okeechobee County Sheriff's Office
- 22 Orange County Sheriff's Office
- 23 Pasco Sheriff's Office
- 24 Pinellas County Sheriff's Office
- 25 Polk County Sheriff's Office
- 26 St. Lucie County Sheriff's Office
- 27 Sumter County Sheriff's Office
- 28 Volusia County Sheriff's Office
- 29 Walton County Sheriff's Office
- 30 Washington County Sheriff's Office

From: Amy Mercer <amercer@fpca.com>
Sent: Wednesday, January 20, 2021 7:45 AM
To: Cellon, Connie <CELLON.CONNIE@flsenate.gov>
Cc: Matt Dunagan <mdunagan@flsheriffs.org>; stanfieldt@gtlaw.com; Cookie Pritt <cookiepritt@gmail.com>
Subject: Drone Survey - Florida Police Chiefs Association

Good morning Connie! Attached is the survey we sent out to our members last week. We had approximately 50% of our agencies respond. Thanks and have a great day! Amy

Amy Mercer
Executive Director
The Florida Police Chiefs Association, FPCA
850-219-3631
www.fpca.com
amercer@fpca.com
Faithfully serving Florida Police Chiefs

Agency Name	Does your agency have drones?	If you do not currently have a drone, do you plan on obtaining them in the near future?
Riviera Beach Police Department	Yes	
Melbourne Police Department	Yes	
Miami Beach Police Department	Yes	
Pembroke Pines Police Department	Yes	
Fort Lauderdale Police Department	Yes	
Coral Springs Police Department	Yes	
Kissimmee Police Department	Yes	
Fort Walton Beach	Yes	
Lynn Haven Police	Yes	
Plant City Police Department	Yes	
Boca Raton Police Department	Yes	
Wauchula Police Department	Yes	
Delray Beach Police Department	Yes	
Ocala Police Department	Yes	
Edgewater Police Department	Yes	
Fort Pierce Police Department	Yes	
Coral Gables Police	Yes	
Florida Highway Patrol	Yes	
Apopka Police Department	Yes	
Panama City Beach Police Department	Yes	
Springfield Police Department	Yes	
Palmetto Police Department	Yes	
Stuart Police Department	Yes	Yes
Palm Bay Police Department	Yes	
Groveland Police Department	Yes	
Davie Police Department	Yes	
Riviera Beach Police Department	Yes	
South Miami Police Department	Yes	
Indian Shores	Yes	

We have a citizen Volunteer that provides Drone Services to us when needed.

Fort Myers Police Department	Yes
University of South Florida Police Department	Yes
North Palm Beach Police Department	Yes
Rockledge Police Department	Yes
Juno Beach Police Department	Yes
Hollywood Police Department	Yes
North Port Police Department	Yes
Daytona Beach Shores Department of Public Safety	Yes
Palm Beach Police Department	Yes
Palm Beach Gardens Police Department	Yes
Temple Terrace PD	Yes
South Daytona Police Department	Yes
Port St. Lucie Police Department	Yes
Clearwater Police Department	Yes
Hollywood PD	Yes
New Smyrna Beach Police Department	Yes
CSX Railroad Police	Yes
Vero Beach Police Department	Yes
Boynton Beach Police Department	Yes
Miami Shores Police Department	Yes
Treasure Island Police Department	Yes
Ocoee Police Department	Yes
Fernandina Beach Police Department	Yes
Aventura Police Department	Yes
Melbourne Beach Police Department	Yes
St. Petersburg Police Department	Yes
Winter Springs Police Dept.	Yes
Orange County Sheriff's Office	Yes
Holly Hill PD	Yes
Flagler Beach Police Department	No

N/A

I fully support expanding the allowed uses of drones!

Yes and we currently have the ability to utilize a drone that was purchased this year by our City's Fire Department.

Bay Harbor Islands Police Department	No	
Lake City Police Department	No	Not in the near future
Valparaiso Police Department	No	No
City of Bowling Green Police Department	No	
Lauderhill Police Department	No	Yes, we are planning on obtaining two
Venice PD	No	(2) drones.
Palm Springs Police Department	No	no
Florida School for the Deaf and the Blind Campus Police	No	Yes, this year
Manalapan Police Department	No	No
Williston Police Department	No	no
Altamonte Springs Police Department	No	No
		Undecided
		We are looking into some options at
Marianna Police Department	No	this time.
Lady Lake Police Department	No	It is a possibility.
Gretna Police Department	No	No
Lake Placid Police Department	No	
Melbourne Village PD	No	no
Florida Atlantic University Police Department	No	Yes
Belleview Police Department	No	No
Lake Hamilton Police Department	No	yes
Lake Mary PD	No	
Key Colony Beach Police Department	No	Yes
Indianlantic Police Department	No	
Windermere Police Dept.	No	Yes
Indian Harbour Beach	No	Yes
Florida International University Police Department	No	Yes
Jacksonville Aviation Authority Police Department	No	No. Not at this time
Clermont Police Department	No	Yes
City Of West Miami police Department	No	No
		no, we utilize drones from the Polk
		County Sheriff's Office and Lakeland
Florida Polytechnic University Police	No	Police Department

Perry Police Department	No	we are planning on using drines in the near future. We are in the process of training several officers to take the part 107 certification exam.
Largo Police Department	No	No
Eustis Police	No	We are looking into drones.
St. Augustine Beach Police Department	No	yes
Holmes Beach Police	No	unsure
New College of Florida Police Department	No	No
Panama City Airport Police	No	No
Marco Island Police Department	No	Maybe
Port Richey Police Department	No	Yes
Fellsmere Police Department	No	yes
Clay County District Schools Police Department	No	not at this time
Ormond Beach Police Department	No	yes, we are actually in the process right now.
Belle Isle Police Department	No	No
Jacksonville Beach Police Department	No	No
Florida School for the Deaf and the Blind Campus Police	No	No, if it was required for a natural disaster or life saving purpose, the school itself has its own drone that would be utilized in these situations.
Tampa International Airport Police Department	No	We would like to utilize them with the APD. The Airport Operations Division (no LE related) has plans to acquire
Oakland Police Department	No	No
Bonifay Police Department	No	Yes
Fruitland Park Police Department	No	No
Sanford Airport Police Department	No	No
Jackson County School District Police Department	No	No, there are no plans in the future.
City of Bunnell Police Dept.	No	No funding
Indian Creek Village	No	Potentially

Bay District Schools Police	No	
Zephyrhills Police Department	No	Yes
Stetson University Department of Public Safety	No	no
Orange City Police Department	No	Yes
Orange Park Police Department	No	Yes
Santa Fe College Police Department	No	No
UCF Police Department	No	Contingent on funding and legislation. We would like for it to be an option, but under current state statute it is too limiting to invest in a program
Lee County Port Authority	No	We are considering drones if some of the restrictions are reconsidered.
Ocean Ridge Police Department	No	We are planning to develop a program for then
Sanford	No	
Florida Gulf Coast University PD	No	No. The University has drones, but not specifically the Police Department.
Blountstown Police Department	No	Not Currently
Sebring Police Department	No	Yes, in 12-18 months.
Gulfport Police Department	No	Yes--if legislation is changed to allow for expanded use.
Edgewood	No	No
Golden Beach Police Dept.	No	Yes
Cocoa Beach Police Department	No	Not at this time
Pensacola State College Police Department	No	no
UNFPD	No	
Howey in the Hills Police Department	No	
Punta Gorda Police Department	No	Yes

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THE FLORIDA SENATE

APPEARANCE RECORD

02/16/2021

Meeting Date

SB44

Bill Number (if applicable)

Topic SB44

Amendment Barcode (if applicable)

Name Kurt Schoeps

Job Title Lieutenant

Address 123 W. Indiana Av

Phone 386-561-7024

Street

Deland

Fl

32120

Email kschoeps@vcso.us

City

State

Zip

Speaking: For Against Information

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

Representing Volusia Sheriff's Office

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.

S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

2/16/2021

Meeting Date

44

Bill Number (if applicable)

Topic Drones

Amendment Barcode (if applicable)

Name Matt Dunagan

Job Title Deputy Director

Address 2617 Mahan Drive

Phone 850-877-2165

Street

Tallahassee

FL

32308

Email mdunagan@flsheriffs.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Sheriffs Association

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.

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

2/16/21

Meeting Date

44

Bill Number (if applicable)

Topic Eliminating Judicial Warrant for Drones

Amendment Barcode (if applicable)

Name Carrie Boyd

Job Title Policy Counsel

Address 3126 Baringer Hill Drive

Phone 850-570-9560

Street

Tallahassee

FL

32311

Email carrie.boyd@splcenter.org

City

State

Zip

Speaking: For Against Information

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

Representing SPLC Action Fund

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.

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

2/16/21

Meeting Date

SB 44

Bill Number (if applicable)

Topic Eliminating Judicial Warrant Requirement for Drones

Amendment Barcode (if applicable)

Name Kara Gross

Job Title Legislative Director & Senior Policy Counsel

Address 4343 W. Flagler St.

Phone 786-363-4436

Street

Miami

FL

33134

Email kgross@aclufl.org

City

State

Zip

Speaking: For Against Information

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

Representing ACLU of Florida

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.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

FEB 16th 2012
Meeting Date

44
CS/SB 44
Bill Number (if applicable)

Topic Dunes

Amendment Barcode (if applicable)

Name David Sordani

Job Title Retired Concerned Citizen

Howard to Knowman
Sheff
of Ft.

Address 66 Wintersgreen Dr

Phone 352 805 6597

Street

City

State

Zip

Fruitland Park FL 34731

Email goherdave@gmail.com

Speaking: For Against Information

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

Representing Self

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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

02/16/2021

Meeting Date

SB 44

Bill Number (if applicable)

Topic Drones

Amendment Barcode (if applicable)

Name Jeff Branch

Job Title Senior Legislative Advocate

Address 301 S. Bronough St. #300

Phone 850-701-3655

Street

Tallahassee

FL

32302

Email jbranch@flcities.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida League of Cities

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.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/16/2021

Meeting Date

SB 0044

Bill Number (if applicable)

Topic Drones

Amendment Barcode (if applicable)

Name Christopher Tatum

Job Title Lieutenant

Address 2500 W Colonial Dr

Phone 407 986 0187

Street

Orlando,

FL

32804

Email chris.tatum@ocfl.net

City

State

Zip

Speaking: For Against Information

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

Representing Orange County Sheriff's Office

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

Reset Form

APPEARANCE RECORD

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

2/16/21

Meeting Date

SB 44

Bill Number (if applicable)

Topic Drones

Amendment Barcode (if applicable)

Name Ray Colburn

Job Title Executive Director

Address 221 Pinewood Drive

Phone 850.900.5180

Street

Tallahassee

FL

32303

Email ray@ffca.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Fire Chiefs Association

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.

S-001 (10/14/14)

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.)

Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

BILL: SB 418

INTRODUCER: Senator Burgess

SUBJECT: Public Records/Persons Seeking Shelter

DATE: February 15, 2021 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stallard	Caldwell	MS	Favorable
2.			GO	
3.			RC	

I. Summary:

SB 418 exempts from public inspection and copying the name, address, and telephone number of a person which are held by an agency providing shelter or assistance to the person during an emergency.

The bill provides that the exemption created under the bill is subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S., and will be repealed on October 2, 2026, unless reviewed and saved from repeal by the Legislature.

The bill provides a statement of public necessity as required by the State Constitution, providing that the exemption is necessary to limit the amount of privacy a person must forfeit by choosing to enter a shelter, and to protect a person from those who might seek to exploit their vulnerability following a catastrophic event.

Because the bill creates a new public records exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill does not appear to have a fiscal impact on state or local governments. Costs incurred by an agency in responding to public records requests regarding this exemption should be offset by authorized fees. See Section V. Fiscal Impact Statement.

The bill takes effect upon becoming a law.

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy 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.²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, Florida Statutes (F.S.), provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and the statutory provisions are adopted in the rules of each house of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, chapter 119, F.S., provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

Chapter 119, F.S., known as the Public Records Act, provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted the statutory definition of “public record” to include “material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”⁷

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2018-2020) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2018-2020)

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S. 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.”

⁶ 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.”

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

custodian of the public record.⁸ A violation of the Public Records Act may result in civil or criminal liability.⁹

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.¹⁰ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹

General exemptions from the public records requirements are contained in the Public Records Act.¹² Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹³

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” Custodians of records designated as “exempt” are not prohibited from disclosing the record; rather, the exemption means that the custodian cannot be compelled to disclose the record.¹⁴ Custodians of records designated as “confidential and exempt” may not disclose the record except under circumstances specifically defined by the Legislature.¹⁵

Open Government Sunset Review Act

The Open Government Sunset Review Act¹⁶ (the Act) prescribes a legislative review process for newly created or substantially amended¹⁷ public records or open meetings exemptions, with specified exceptions.¹⁸ It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁹

The Act 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.²⁰

⁸ Section 119.07(1)(a), F.S.

⁹ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁰ FLA. CONST. art. I, s. 24(c).

¹¹ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹² *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹³ *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹⁴ *See Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA 1991).

¹⁵ *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

¹⁶ Section 119.15, F.S.

¹⁷ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

¹⁸ Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁹ Section 119.15(3), F.S.

²⁰ Section 119.15(6)(b), F.S.

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 subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;²¹
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²² or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act also requires specified questions to be considered during the review process.²⁴ In examining an exemption, the Act directs the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁵ If the exemption is continued without substantive changes or if the exemption is continued and 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.²⁶

Public Shelters

The Division of Emergency Management (DEM) is established in the Executive Office of the Governor to serve as the state's emergency management agency.²⁷ The State Emergency Management Act²⁸ directs DEM to oversee and manage emergency preparedness, response, recovery, and mitigation programs in Florida.

DEM currently manages a program for surveying existing public and private buildings, with the owner's written agreement, to identify which facilities are appropriately designed and located to

²¹ Section 119.15(6)(b)1., F.S.

²² Section 119.15(6)(b)2., F.S.

²³ Section 119.15(6)(b)3., F.S.

²⁴ Section 119.15(6)(a), F.S. The specified questions are:

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

²⁵ See generally s. 119.15, F.S.

²⁶ Section 119.15(7), F.S.

²⁷ Section 14.2016, F.S.

²⁸ Section 252.31, F.S., through s. 252.60, F.S., are known as the State Emergency Management Act. Section 252.31, F.S.

serve as shelters in the event of an emergency.²⁹ Public facilities, including schools, post-secondary education facilities, and other facilities owned or leased by the state or local governments, but excluding hospitals or nursing homes, suitable for use as public hurricane evacuation shelters must be made available at the request of the local emergency management agencies.³⁰

DEM is required to prepare a state comprehensive emergency management plan (CEMP) that must be integrated into, and coordinated with, the emergency management plans of the Federal Government.³¹ The CEMP³² must include a shelter component, the Statewide Emergency Shelter Plan (plan),³³ with specific planning provisions and the CEMP must promote shelter activity coordination between the public, private, and nonprofit sectors.³⁴ The plan must include the following:

- Contain strategies to ensure the availability of adequate shelter space in each region of the state;
- Establish strategies for refuge-of-last-resort programs;
- Provide strategies to assist local emergency management efforts to ensure that adequate staffing plans exist for all shelters, including medical and security personnel;
- Provide for a post-disaster communications system for public shelters;
- Establish model shelter guidelines for operations, registration, inventory, power generation capability, information management, and staffing; and
- Set forth policy guidance for sheltering people with special needs.³⁵

The plan must be prepared and submitted to the Governor and Cabinet each even-numbered year.³⁶ The plan, among other requirements, must identify the location and square footage of existing shelters as well as shelters needed in the next five years.³⁷ The plan must also identify the types of public facilities that should be constructed to comply with emergency shelter criteria and must recommend an appropriate and available source of funding for the additional cost of constructing emergency shelters within these public facilities.³⁸

Public shelters are not required to gather personal information on shelter residents, however, nothing in law prevents the collection of this information. Shelters that collect personal information on their residents may do so to have an accurate accounting of all persons staying within or to locate family members for the purpose of family reunification. While no public

²⁹ Section 252.385(2)(a), F.S.

³⁰ Section 252.385(4)(a), F.S.

³¹ Section 252.35(2)(a), F.S.; *see also* s. 1013.372, F.S.

³² FLA. ADMIN. CODE R. 27P-2.002, incorporates the CEMP by reference; *See* Comprehensive Emergency Management Plan, Division of Emergency Management, available at <https://www.floridadisaster.org/globalassets/importedpdfs/2014-state-cemp-basic-plan.pdf> (last visited January 27, 2021).

³³ 2018 Statewide Emergency Shelter Plan, DIVISION OF EMERGENCY MANAGEMENT, available at <https://www.floridadisaster.org/globalassets/dem/response/sesp/2018/2018-sesp-entire-document.pdf> (last visited January 27, 2021).

³⁴ Section 252.35(2)(a)2., F.S.

³⁵ *Id.*

³⁶ Section 1013.372(2), F.S.

³⁷ *Id.*

³⁸ *Id.*

record exemption for this information exists, the plan states that shelter staff members should “abide by principles of confidentiality.”³⁹

III. Effect of Proposed Changes:

Section 1 creates 252.385(5), to exempt⁴⁰ from public inspection and copying the name, address, and telephone number of a person which are held by an agency, as defined in s. 119.011, F.S., providing shelter or assistance to the person during an emergency.

The bill provides that the exemptions are subject to the Open Government Sunset Review Act and will repeal October 2, 2026, unless the Legislature reviews and reenacts the exemptions by that date.

Section 2 provides a public necessity statement as required by the Florida Constitution. The statement asserts that:

“Shelters are made available to the public to provide a safe place of accommodation before, during, and immediately following an emergency. During an emergency, the people affected are in a vulnerable state, as they have voluntarily displaced themselves from their residences and possessions to seek refuge. The information submitted to an agency by such a person seeking shelter or assistance could be used by persons seeking to take advantage of their vulnerability during or following the emergency. In addition, people seeking shelter or assistance for their safety and the safety of their families should not be forced to forfeit their privacy for the sake of such safety.”

Section 3 provides that the bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. 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.

³⁹ *Supra*, note 33 at Appendix F, pg. F-2.

⁴⁰ There is a difference between records the Legislature designates exempt from public records requirements and those the Legislature deems confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. *See Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA 1991) *review denied*, 589 So. 2d 289 (Fla. 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records to anyone other than the persons or entities specifically designated in statute. *See WFTV, Inc. v. Sch. Bd. of Seminole Cnty*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004), *review denied*, 892 So. 2d 1015 (Fla. 2004); Op. Att’y Gen. Fla. 85-692 (1985).

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

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill enacts a new exemption for the name, address, and telephone number of a person using a public shelter or provided assistance by an agency during an emergency, thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect the name, address, and telephone number of a person using a public shelter or provided assistance by an agency during an emergency. This bill exempts only the name, address, and telephone number of a person using a public shelter or provided assistance by an agency during an emergency from the public records requirements. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have a minimal fiscal impact on agencies due to the fact agency staff responsible for complying with public records requests may require training related to the creation of the public records exemptions. Costs associated with redacting the exempt information prior to releasing a record may be incurred. The costs, however, would be absorbed by existing resources, as they are part of day-to-day responsibilities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 252.385, Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Burgess

20-00685-21

2021418__

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 252.385, F.S.; creating an exemption from public
 4 records requirements for the name, address, and
 5 telephone number of a person which are held by an
 6 agency providing shelter or assistance to such person
 7 during an emergency; providing for future legislative
 8 review and repeal of the exemption; providing a
 9 statement of public necessity; providing an effective
 10 date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Subsection (5) is added to section 252.385,
 15 Florida Statutes, to read:
 16 252.385 Public shelter space; public records exemption.-
 17 (5) The name, address, and telephone number of a person
 18 which are held by an agency, as defined in s. 119.011, providing
 19 shelter or assistance to such person during an emergency are
 20 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 21 Constitution. This subsection is subject to the Open Government
 22 Sunset Review Act in accordance with s. 119.15 and shall stand
 23 repealed on October 2, 2026, unless reviewed and saved from
 24 repeal through reenactment by the Legislature.
 25 Section 2. The Legislature finds that it is a public
 26 necessity that the name, address, and telephone number of a
 27 person which are held by an agency providing shelter or
 28 assistance to such person during an emergency be made exempt
 29 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

20-00685-21

2021418__

30 the State Constitution. Shelters are made available to the
 31 public to provide a safe place of accommodation before, during,
 32 and immediately following an emergency. During an emergency, the
 33 people affected are in a vulnerable state, as they have
 34 voluntarily displaced themselves from their residences and
 35 possessions to seek refuge. The information submitted to an
 36 agency by such a person seeking shelter or assistance could be
 37 used by persons seeking to take advantage of their vulnerability
 38 during or following the emergency. In addition, people seeking
 39 shelter or assistance for their safety and the safety of their
 40 families should not be forced to forfeit their privacy for the
 41 sake of such safety. Therefore, the Legislature finds that it is
 42 a public necessity to protect such information from public
 43 disclosure.

44 Section 3. This act shall take effect upon becoming a law.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



The Florida Senate

Committee Agenda Request

To: Senator Tom Wright, Chair
Committee on Military and Veterans Affairs, Space, and Domestic Security

Subject: Committee Agenda Request

Date: January 22, 2021

I respectfully request that **Senate Bill #418**, relating to Public Records/Persons Seeking Shelter, be placed on the:

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

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

Senator Danny Burgess
Florida Senate, District 20

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/16/21

Meeting Date

418

Bill Number (if applicable)

Topic SB 418

Amendment Barcode (if applicable)

Name Kevin Guthrie

Job Title Deputy Dir FDEM

Address 2555 Shumard oak Blvd

Phone 904 234 7629

Street

Tallahassee FL 32301

City

State

Zip

Email Kevin.Guthrie@com.m-florida.com

Speaking: For Against Information

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

Representing FDEM

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.

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/10/21

Meeting Date

418

Bill Number (if applicable)

Topic PUBLIC RECORDS / PERSONS SEEKING AMENDMENT BARCODE (if applicable)

Name TONNETTE GRAHAM

Job Title

Address 100 S. MONROE ST

Phone 224.9300

Tallahassee, FL

Email Tgraham@fl-coa.org

City State Zip

Speaking: [] For [] Against [] Information

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

Representing FL ASSOC. OF COUNTIES

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.

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/10/21

Meeting Date

418

Bill Number (if applicable)

Topic PUBLIC RECORDS / PERSONS SEEKING AMENDMENT

Name LISA HURLEY

Job Title

Address 30 E. Park Ave

Phone 850.224.5081

Street Tallahassee FL 32301

Email lhurley@shurley.com

City State Zip

Speaking: [] For [] Against [] Information

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

Representing COLLIER COUNTY

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)

Feb 16th 2021

SB 418

Meeting Date

Bill Number (if applicable)

Topic Public Records / Person's Secretary Shelta

Amendment Barcode (if applicable)

Name DAVID SANDAY

Job Title Concerned Senior Citizen

Address 106 Wintergreen Dr

Phone 352 805 659

Street

City

Fruitland Park FL 34731

State

Zip

Email golferdave1955@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against

(The Chair will read this information into the record.)

Representing Self / Homeless I know

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.

CourtSmart Tag Report

Room: LL 37

Case No.:

Type:

Caption: Senate Military and Veterans Affairs, Space and Domestic Security Committee

Judge:

Started: 2/16/2021 12:34:23 PM

Ends: 2/16/2021 1:31:20 PM **Length:** 00:56:58

12:34:22 PM Meeting called to order by Chair Wright

12:34:33 PM Roll call by CAA Lois Graham

12:34:42 PM Quorum announced

12:34:52 PM Pledge of Allegiance led by Senator Torres

12:35:21 PM Chair Wright with opening comments

12:36:28 PM Tab 1 Presentations

12:36:48 PM Mr. Oliva, Chancellor of the Division of Public Schools, Department of Education presents

12:45:41 PM Chair with comments

12:45:48 PM Mr. Oliva responds

12:45:56 PM Senator Harrell with questions

12:46:36 PM Mr. Oliva responds

12:47:48 PM Senator Harrell with follow-up

12:47:59 PM Mr. Oliva responds

12:48:38 PM Senator Gibson with question

12:48:47 PM Mr. Oliva responds

12:49:10 PM Mr. Henry Mack, Chancellor, Division of Career and Adult Education presents

12:58:30 PM Senator Cruz with question

12:58:40 PM Mr. Mack responds

12:59:13 PM Senator Cruz with follow-up

12:59:19 PM Mr. Mack responds

12:59:25 PM Senator Torres with question

12:59:56 PM Mr. Mack responds

1:00:11 PM Senator Gibson with question

1:00:19 PM Mr. Mack responds

1:03:16 PM Senator Harrell with question

1:03:28 PM Mr. Mack responds

1:05:43 PM Senator Harrell with question

1:05:58 PM Mr. Mack responds

1:08:08 PM Senator Harrell with follow-up

1:08:16 PM Mr. Mack responds

1:09:09 PM Chair with comments

1:09:45 PM Mr. Mack with comments

1:10:15 PM Tab 2 CS/SB 44 by Criminal Justice and Senator Wright - Drones

1:10:35 PM Vice-Chair Harrell takes the chair

1:10:45 PM Chair Wright explains the bill

1:12:04 PM Senator Gibson with question

1:12:15 PM Chair Wright responds

1:12:44 PM Senator Gibson with follow-up

1:12:56 PM Chair Wright responds

1:13:14 PM Senator Gibson with follow-up

1:13:21 PM Chair Wright with response
1:13:53 PM Senator Gibson with follow-up
1:14:00 PM Chair Wright responds
1:14:46 PM Senator Cruz with question
1:14:56 PM Chair Wright responds
1:15:35 PM Appearance forms
1:15:40 PM Mr. Kurt Schoeps, Lieutenant, Volusia County Sheriff's Office, speaks in support
1:16:15 PM Matt Dunagan, Florida Sheriffs Association speaks in support
1:16:42 PM Carrie Boyd, SPLC Action Fund waives against
1:17:02 PM Kara Gross, ACLU of Florida waives against
1:17:15 PM David Serdar waives in support
1:17:30 PM Jeff Branch, Florida League of Cities waives in support
1:17:40 PM Christopher Tatum, Orange County Sheriff's Office waives in support
1:17:57 PM Ray Colburn, Florida Fire Chiefs Association waives in support
1:18:23 PM Senator Torres in debate
1:19:37 PM Senator Gibson in debate
1:20:25 PM Chair Wright closes on bill
1:20:32 PM Roll call on CS/SB 44
1:21:00 PM CS/SB 44 reported favorably
1:21:13 PM Vice-Chair Harrell returns chair
1:21:30 PM SB 418 by Senator Burgess -Public Records/Persons Seeking Shelter
1:21:37 PM Senator Burgess explains the bill
1:23:12 PM Senator Cruz with question
1:23:20 PM Senator Burgess responds
1:24:50 PM Senator Cruz with follow-up
1:25:02 PM Senator Torres with question
1:25:40 PM Senator Burgess responds
1:26:36 PM Appearance Forms
1:26:41 PM Kevin Guthrie, Deputy Director FDEM waives in support
1:26:55 PM Tonnelle Graham, Florida Association of Counties waives in support
1:27:01 PM Lisa Hurley, Collier County, waives in support
1:27:09 PM David Serdar waives in support
1:27:32 PM Senator Cruz in debate
1:29:29 PM Senator Burgess closes on bill
1:29:40 PM Roll call on SB 418
1:30:33 PM SB 418 is reported favorably
1:30:50 PM Senator Cruz moves to adjourn
1:31:10 PM Meeting adjourned