

By Senators Brown-Waite, Bronson, McKay, Horne, Grant, Carlton, Cowin, Klein, Kirkpatrick, Latvala, Sullivan, Forman, Casas, Campbell and Lee

10-25D-99

1                                   A bill to be entitled  
2           An act relating to operations of law  
3           enforcement agencies; prohibiting a person from  
4           initiating, or attempting to initiate, contact  
5           with any person who is directly involved in the  
6           mobilization, deployment, or tactical  
7           operations of a law enforcement agency,  
8           including the commission of a kidnapping or  
9           other incident involving the taking or holding  
10          of hostages; prohibiting a person from  
11          broadcasting to the public a live audio or  
12          video transmission of the tactical operations  
13          of a law enforcement agency; providing a  
14          penalty; providing that a person may initiate,  
15          or attempt to initiate, contact with a person  
16          involved in the operations of a law enforcement  
17          agency, or may broadcast a live transmission of  
18          tactical law enforcement operations, upon the  
19          express authorization of the agency or upon the  
20          completion of the operations; providing an  
21          effective date.

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23           WHEREAS, on May 19, 1998, following a multicounty spree  
24   of violence that left two police detectives and a state  
25   trooper dead, Hank Earl Carr barricaded himself in a  
26   convenience store and took the female clerk hostage, and  
27           WHEREAS, during the ensuing 4-hour standoff, law  
28   enforcement officers attempted to negotiate with Carr but were  
29   unable to contact him by telephone because radio station  
30   personnel had telephoned the convenience store and were airing  
31   a live, 6-minute interview with the suspect, and

1           WHEREAS, after hearing the radio interview, a newspaper  
2 reporter also contacted the convenience store by telephone,  
3 again interfering with attempts by law enforcement officers to  
4 negotiate with the suspect, and

5           WHEREAS, in addition to interfering with attempts by  
6 law enforcement officers to negotiate with Carr, helicopters  
7 from local television stations circled the scene and broadcast  
8 live coverage that indicated to the suspect the location of  
9 law enforcement personnel, and

10           WHEREAS, in an attempt to provide "live" coverage of a  
11 breaking news story, members of the news media seriously  
12 interfered with a hostage negotiation and endangered the lives  
13 of law enforcement officers and civilians, and

14           WHEREAS, while the Legislature recognizes that the news  
15 media must be able to report a news story, it is necessary to  
16 address the offense of interfering with law enforcement  
17 operations and to impose severe penalties for any such offense  
18 in order to prevent further tragedy, NOW, THEREFORE,

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

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22           Section 1. Unauthorized communications prohibited  
23 during the course of an incident involving law enforcement  
24 operations.--

25           (1) During the course of any incident that involves  
26 the mobilization, deployment, or tactical operations of a law  
27 enforcement agency, including, but not limited to, a  
28 kidnapping or other incident that involves the taking or  
29 holding of one or more hostages, a person may not:

30           (a) Initiate, or attempt to initiate, contact or  
31 communication with any person directly involved in the

1 tactical law enforcement operations or incident, excluding law  
2 enforcement personnel.

3 (b) Knowingly broadcast or telecast to the public any  
4 type of live audio transmission or live video transmission  
5 that records or depicts the tactical law enforcement  
6 operations, including, but not limited to, deployment of law  
7 enforcement personnel and equipment, until the tactical  
8 operations are completed.

9 (2) Any person who violates subsection (1) commits a  
10 felony of the third degree, punishable as provided in section  
11 775.082, section 775.083, or section 775.084, Florida  
12 Statutes.

13 (3) Notwithstanding subsection (1), a person may  
14 initiate, or attempt to initiate, contact or communication  
15 with a person directly involved in an incident that involves  
16 the mobilization, deployment, or tactical operations of a law  
17 enforcement agency, or may broadcast or telecast a live audio  
18 or video transmission of tactical law enforcement operations,  
19 if that person is expressly authorized to do so by a law  
20 enforcement officer who has jurisdiction over the operations  
21 or incident or if the law enforcement agency has completed its  
22 operations pertaining to that incident.

23 Section 2. This act shall take effect July 1, 1999.  
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SENATE SUMMARY

Provides that it is a third-degree felony for a person to initiate, or attempt to initiate, contact with any person directly involved in the mobilization, deployment, or tactical operations of a law enforcement agency, including a kidnapping or other incident involving the taking or holding of hostages. Provides that it a third-degree felony for a person to knowingly broadcast to the public any live audio or live video transmission that records or depicts such tactical law enforcement operations. Provides for an exception to such prohibitions upon the express authorization of the law enforcement agency or upon the completion of the operations.