



Broward County Chiefs of Police Association, Inc.

## ***Legal Update***

### **Legal Advisor Committee**

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### MARCH 2014 LEGISLATIVE UPDATE

The following update contains proposed legislation that is being considered by the Florida Legislature during the 2014 Session.

#### **HB 733: Federal Regulation of Firearms**

Introducer: Representative Eagle; Co-Introducers: Representatives: Albritton; Beshears; Caldwell; Diaz, M.; Fitzenhagen; Fresen; Hooper; Hutson; Mayfield; O'Toole; Rodrigues, R.; Santiago, and Smith

Last action: Referred to House Criminal Justice Subcommittee; Business and Professional Regulation Subcommittee; Appropriations Committee; Judiciary Committee on 2/6/14  
Effective Date: Upon becoming law.

The proposed bill creates the Second Amendment Preservation Act (F.S. 790.339) which prohibits:

- Any state or local agencies from enforcing any federal act, law, order, rule or regulation relating to a personal firearm or firearm accessory.
- Any state or local agency from providing any material support to, participate with, or assist any federal agency engaged in the enforcement of any such federal act, law, order, rule, or regulation or any investigation pursuant to the enforcement of any such federal act, law, order, rule, or regulation.
- The use of any state assets or funds to engage in any activity that aids any federal agency.

The Bill also provides that any official who knowingly violates this law shall be deemed to have resigned and their position is deemed vacant.

#### **SB 198: Social Media Privacy**

Introducers: Senators Clemons and Latvala

Last action: Presently in Government Oversight and Accountability Committee

Effective Date: October 1, 2014

The bill creates F.S. 448.077, which prohibits an employer from requesting or requiring an employee or prospective employee to disclose a username, password, or take any other action which would permit the employer to gain access to a social media account. The bill also prohibits an employer from taking any disciplinary action or refusing to hire a prospective employee for their refusal to permit access to their account. Lastly, the bill creates a civil cause of action by the employee or prospective employee.

### **HB 265: Arrest Booking Photographs**

Introducer: Representative Trujillo; Co-Introducer: Representative Van Zant

Last action: In Justice Appropriation Committee

Effective Date: October 1, 2014

The bill prohibits county and municipal detention facilities from electronically publishing or disseminating a booking photo of an arrested person who has yet to be convicted. The bill does not prohibit the dissemination of booking photos between criminal justice agencies or pursuant to a public records request.