

## **WATER/WASTEWATER**

### **CS/SB 1922 — Water and Wastewater Utilities**

by Finance and Taxation Committee and Senator Bennett

This bill revises provisions under chapter 163, the “Florida Interlocal Cooperation Act of 1969,” relating to a separate legal entity that wants to acquire, own, construct, improve, operate, and manage or finance a public utility. The bill provides definitions of terms and provides procedures for a host government to accept or reject the separate legal entity’s proposal. The bill requires that any transfer or payment by a separate legal entity to another local government must be made solely from user fees or other charges or revenues generated from customers that are physically located within the jurisdictional or service delivery boundaries of the local government receiving the transfer or payment.

The bill also codifies existing law regarding what happens to any gains or losses in the purchase of a privately-owned utility by specifying that any loss in future revenues must be borne by the shareholders of the utility.

In addition, the bill requires water and wastewater utilities with annual revenue above \$200,000 that are regulated by the Public Service Commission to pay regulatory assessment fees every six months rather than every 12 months.

If approved by the Governor, these provisions take effect upon becoming law and apply to all contracts pending on or after that date.

*Vote: Senate 37-0; House 117-0*

## **ELECTRIC AND GAS**

### **CS/SB 1070 — Natural Gas Companies**

by Communication and Public Utilities Committee and Senator Bennett

This bill codifies into law what had been the common judicial practice of allowing specified natural gas transmission pipeline companies to use the eminent domain procedures, including the “quick-take” process, in chapters 73 and 74, F.S., when exercising a right of eminent domain. It also grants to natural gas transmission pipeline companies who have not obtained a certification under the state’s Natural Gas Transmission pipeline Siting Act, but who are otherwise subject to regulation under the federal Natural Gas Act, the right of eminent domain and the use of the eminent domain provision in chapters 73 and 74, F.S.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 40-0; House 116-0*

## **OTHER COMMUNICATIONS**

### **CS/CS/SB 284 — Video Voyeurism**

by Judiciary Committee; Communications and Public Utilities Committee; and Senators Aronberg and Crist

The bill creates the crimes of, and penalties for, video voyeurism, video voyeurism dissemination, and commercial video voyeurism dissemination.

#### ***Video Voyeurism***

A person commits the offense of video voyeurism if that person:

- For amusement, entertainment, sexual arousal, gratification, or profit, or for the purpose of degrading or abusing another person, intentionally uses or installs an imaging device to secretly view, broadcast, or record a person, without that person's knowledge or consent, who is dressing, undressing, or privately exposing the body, at a place and time when that person has a reasonable expectation of privacy;
- For the amusement, entertainment, sexual arousal, gratification, or profit of another, or on behalf of another, intentionally permits the use or installation of an imaging device to secretly view, broadcast, or record a person, without that person's knowledge or consent, who is dressing, undressing, or privately exposing the body, at a place and time when that person has a reasonable expectation of privacy; or
- For the amusement, entertainment, sexual arousal, gratification, or profit of oneself or another, or on behalf of oneself or another, intentionally uses an imaging device to secretly view, broadcast, or record under or through the clothing being worn by another person, without that person's knowledge or consent, for the purpose of viewing the body of, or undergarments worn by, that person.

#### ***Video Voyeurism Dissemination***

A person commits the offense of video voyeurism dissemination if that person, knowing that an image was created in violation of the video voyeurism provisions, intentionally disseminates, distributes, or transfers the image to another person.

#### ***Commercial Video Voyeurism Dissemination***

A person commits the offense of commercial video voyeurism dissemination if that person:

- knowing that an image was created in violation of the video voyeurism provisions, sells the image for consideration to another person; or

- having created the image in violation of the video voyeurism provisions, disseminates, distributes, or transfers the image to another person for that person to sell the image to others.

### ***Definitions***

The bill defines the following:

- “Broadcast” means electronically transmitting a visual image with the intent that it be viewed by another person.
- “Imaging device” means any mechanical, digital, or electronic viewing device, still camera, camcorder, motion picture camera, or any other instrument, equipment, or format capable of recording, storing, or transmitting visual images of another person.
- “Place and time when a person has a reasonable expectation of privacy” means a place and time when a reasonable person would believe that he or she could fully disrobe in privacy, without being concerned that the person’s undressing was being viewed, recorded, or broadcasted by another, including, but not limited to, the interior of a bathroom, changing room, fitting room, dressing room, or tanning booth.
- “Privately exposing the body” means exposing a sexual organ.

### ***Exemptions and Penalties***

The bill exempts from its provisions any law enforcement agency conducting surveillance for a law enforcement purpose; a security system when a written notice is conspicuously posted on the premises stating that a video surveillance system has been installed for the purpose of security for the premises; a video surveillance device that is installed in such a manner that the presence of the device is clearly and immediately obvious; or dissemination, distribution, or transfer of images subject to this section by a provider of an electronic communication service, such as providers of wire or oral communications, tone-only paging communications, remote computing services, tracking devices, or electronic funds transfer. A limited exception is also provided for a merchant observing customers in dressing, fitting or changing rooms or restrooms, where the observation is within the scope of the merchant’s duties and does not otherwise violate certain laws, or if the customer invites or consents to the merchant’s presence.

A first violation is a first-degree misdemeanor, punishable by a definite term of imprisonment not exceeding one year or by a fine of not more than \$1,000. If a person who violates this section has been previously convicted or adjudicated delinquent of any violation of this section, it is a third-degree felony, punishable by a term of imprisonment not exceeding five years, by a fine of not more than \$5,000, or by a term of imprisonment not exceeding 10 years if the person is categorized as a habitual felony offender.

In the Florida Contraband Forfeiture Act, the definition of “contraband article” is amended to include any personal property, such as, any imaging device used in violation of s. 810.145, F.S. (the video voyeurism provisions created in the bill), or any photograph, film, or other recorded

image, including an image recorded on videotape, a compact disk, digital tape, or fixed disk, recorded in violation of s. 810.145, F.S. The bill requires an agency that has received, through forfeiture, illegal video voyeurism images to destroy any image and the medium upon which the image is recorded when it is no longer needed for an official purpose, including, but not limited to, a photograph, video tape, diskette, compact disk, or fixed disk. The agency may not sell or retain any image.

If approved by the Governor, these provisions take effect July 1, 2004.

*Vote: Senate 38-0; House 114-0*

### **CS/SB 1162 — Wireless 911 Board Information/OGSR**

by Governmental Oversight and Productivity Committee and Communication and Public Utilities Committee

The bill amends s. 365.174, F.S., deleting the automatic repeal on October 1, 2004, thereby preserving the exemption from public records requirements for proprietary confidential business information submitted by a wireless provider to the board or the office.

The bill also narrows what is covered by the current exemption by specifying what the phrase “and other related information” was intended to mean in the definition of “proprietary confidential business information” related to customer lists and customer numbers.

If approved by the Governor, these provisions take effect October 1, 2004.

*Vote: Senate 37-0; House 117-0*

### **SB 2574 — Commercial Relations/Electronic Mail**

by Senators Garcia, Lynn, Campbell, and Aronberg

The bill prohibits initiating or assisting in the transmission from a computer located in this state or to an electronic mail address held by a resident of this state of an unsolicited commercial electronic mail message that:

- Uses a third party’s Internet domain name without permission;
- Contains falsified or missing routing information or otherwise misrepresents, falsifies, or obscures any information identifying the point of origin or the transmission path of the unsolicited commercial electronic mail message;
- Contains false or misleading information in the subject line; or
- Contains false or deceptive information of the body of the message which is designed and intended to cause damage to the receiving device of an addressee or other recipient of the message.

The bill also prohibits distribution of software or any other system designed to falsify missing routing information.

The bill authorizes the Department of Legal Affairs to bring an action for damages or to impose a civil penalty. It also creates a cause of action for an interactive computer service, telephone company, or cable provider that handles or retransmits a commercial electronic mail message for an injunction against future violations, compensatory damages equal to any actual damage proven by the plaintiff or liquidated damages of \$500 for each unsolicited commercial electronic mail message that is in violation of the bill's prohibitions, and attorney's fees and other costs. Additionally, a violation of the bill is an unfair and deceptive trade practices act.

The bill states that it does not require a provider of Internet access service to block, transmit, or store electronic mail messages, and authorizes interactive computer services to block commercial or other electronic mail.

If approved by the Governor, these provisions take effect July 1, 2004.

*Vote: Senate 39-0; House 116-0*

## **SB 2714 — Radio transmission**

by Senator Villalobos

The bill makes it a third degree felony to:

- Make, or cause to be made, a radio transmission in this state unless the person obtains a license or an exemption from licensure from the Federal Communications Commission under 47 U.S.C. s. 301, or other applicable federal law or regulation; or
- Do any act, whether direct or indirect, to cause an unlicensed radio transmission to, or interference with, a public or commercial radio station licensed by the Federal Communications Commission or to enable the radio transmission or interference to occur.

If approved by the Governor, these provisions take effect July 1, 2004.

*Vote: Senate 30-8; House 84-31*