



FSA LEGISLATIVE REPORT 2019



One of the primary roles and responsibilities of the Florida Sheriffs Association is to support and monitor legislation that ensures public safety. During the 2019 legislative session, FSA's legislative team actively worked with lawmakers to ensure the bills that passed are in the best interest of Florida citizens' safety and Florida's law enforcement officers.



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Executive Summary

Introduction

The 2019 legislative session began on March 5th, and it was a very busy and productive session for sheriffs. School safety, criminal justice reform, improvements to 911 emergency dispatch systems, texting while driving, and added protections for law enforcement canines were just a few of the topics covered during Florida's 60-day legislative session. While Florida continues to grow in population each year, its growth is even more evident by passage of this year's state budget. For the first time ever the state budget has surpassed \$90 billion.

During this year's session, 3,491 bills were filed, but only 197 (5.6%) passed and made it all the way to the Governor's desk. This was the second straight year we have seen a declining rate in the number of bills that have successfully passed both chambers. The work of passing sound public policy is no easy task, but sheriffs were pleased many of the ideas they have championed were viewed favorably this year.

Criminal Justice Reform

Reforming Florida's criminal justice system was front and center during the 2019 session. Numerous bills were filed dealing with care for incarcerated women, changes to rehabilitation programs for offenders, thresholds for retail theft, as well as reducing criminals' prison sentences. In the end, sheriffs and a coalition of police chiefs and state attorneys worked with leadership in both houses to support passage of legislation that made numerous positive changes, while not losing focus on the methods that have caused Florida to reach a 47-year low in the rate of crime.



More than 30 sheriffs gathered at the Florida Capitol on March 12th for Sheriffs Day at the Capitol.

HB 7125 by Representative Paul Renner and SB 642 by Senator Jeff Brandes makes numerous comprehensive changes to impact public safety. Some of these changes include:

- Expands the availability of inmate reentry programming and services.
- Reduces barriers to occupational licensing for persons with a criminal history record.
- Expands eligibility for sealing a criminal record if a charge was dismissed, not filed, or resulted in acquittal.
- Raises felony theft thresholds for specified offenses, including grand theft and retail theft, to \$750.
- Repeals and reduces driver license suspensions and revocations for non-driving related reasons.
- Raises hydrocodone trafficking thresholds to bring them in line with similar controlled substances.
- Increases penalties for introducing a cell phone and other contraband into a county correctional institution.



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Sheriffs strongly believe assisting offenders with better re-entry services will lead to a reduction in recidivism. Achieving this good public safety outcome is worthy of our state's investment of time and resources, but not to the detriment of our strong laws that ensure inmates serve at least 85% of their sentence. Far too often during session the conversation shifted from finding ways to improve our current criminal justice system, to advocating for quick fixes like "judicial safety-valves" for minimum mandatory drug sentences or releasing inmates early after serving just over half their prison sentence. Florida's *Truth in Sentencing Laws* matter, not just to sheriffs, but to crime victims as well as to the general public. To say otherwise is just false rhetoric.

Bills that Passed During Session

You see it every day. At a stop light, at a stop sign, while a person is cruising in the lane next to you. You have seen cars veer, hit curbs, and steer quickly back into their lane. Texting while driving is a nationwide problem and Florida is no different. However, there is still a big difference between Florida and most other states—Florida is one of a few remaining states that only enforces the crime as a secondary offense. That is why Sheriffs were pleased that this was the year the Florida Legislature made texting while driving a primary offense. HB 107 by Representative Jackie Toledo and SB 76 by Senator Wilton Simpson was the result of a multi-year struggle to get this bill passed. Florida must continue to take a holistic approach to address the problem of distracted driving. This includes more public awareness with prevention campaigns focused on our youth, but making texting while driving a primary offense was also essential because it will now allow law enforcement to enforce the law and save lives in the process.

Legislators also built upon the strengths of last year's school safety law by passing HB 7093 by Representative Jennifer Sullivan and Senator Manny Diaz. The legislation adds many of the school safety recommendations of the Marjory Stoneman Douglas High School Public Safety Commission. A few of these positive steps include: establishing a workgroup to review campus hardening policies and recommend a prioritized list of strategies for implementation and funding enhancements; expanding the personnel who may serve as a school district's school safety specialist to include certain law enforcement officers employed by the sheriff's office; expanding school district options and eligibility for participation in the Coach Aaron Feis Guardian Program; and also expanding options for school guardian training by sheriffs.



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Governor DeSantis signs the law enforcement canines and horses bill into law that allows law enforcement to charge individuals who harm or kill a law enforcement canine or horse with a second-degree felony.

HB 67 by Josie Tomkow and SB 96 by Senator Aaron Bean will provide added protection for law enforcement canines and horses who serve to protect us. The bill increases the penalty from a third-degree felony to a second-degree felony for intentionally and knowingly, without lawful cause or justification, causing great bodily harm, permanent disability, or death to, or using a deadly weapon upon, a police officer or search and rescue canine, or a police horse. These loyal animals serve side-by-side with law enforcement under some of the most dangerous situations. Sheriffs were pleased their team members are now going to receive these added protections.

Finally, HB 441 by Representative Bobby DuBose and SB 536 by Senator Jeff Brandes also passed during session and was another recommendation from the Marjory Stoneman Douglas High School Public Safety Commission. This new law will require counties to develop and implement communications systems that will allow direct radio communication between the public safety answering points (PSAPs) and first responders within the PSAP's normal service area to provide for more efficient dispatch of first responders. Seconds matter during a tragic event like a mass shooting, and this new law will help ensure people calling for aid will not be transferred when calling 911 and have to repeat their request before dispatch sends help.

Try Again in 2020

Two of the Florida Sheriffs Association's priority bills did not pass during session. Sheriffs were optimistic that this year legislation would pass to expand use of unmanned aircraft/drones under several narrow exemptions. HB 75 by Representative Clay Yarborough and SB 766 by Senator Joe Gruters would allow law enforcement to use drones to gain an important aerial advantage for assessing damage due to a natural disaster on public land, post crime scene preservation, keep people safe during large scale gatherings at public places, or even for traffic management situations.

The second bill was HB 639 by Representative Danny Perez and SB 762 by Senator Joe Gruters and would have clarified an important issue of court security. Under the bill, the sheriff is in charge of court security and the



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chief judge has decision-making authority to ensure the protection of due process rights through the scheduling and conduct of trials and other judicial proceedings. While these two important bills did not pass this year, sheriffs remain committed to working to pass this legislation during the 2020 session.

Conclusion

The Florida Sheriffs Association will continue to keep sheriffs, our law enforcement partners, and our honorary members up-to-date on critically important public safety issues until the next legislative session, which will be an early session next year that begins on January 14, 2020. For more information on the FSA Legislative Program and to stay up-to-date on all legislative issues please visit: www.flsheriffs.org/legislative.





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Florida Sheriffs Association Priorities

Issue: **Use of Unmanned Aircraft**

Outcome: **Failed. HB died in Criminal Justice. SB died in Rules.**

(HB 75 Rep. Yarborough and SB 766 Sen. Gruters)

The bill would have allowed law enforcement to use drones to gain an important aerial advantage for assessing damage due to a natural disaster on public land, post crime scene preservation, keep people safe during large scale gatherings at public places, or traffic management situations.

Issue: **Court Security**

Outcome: **Failed. HB died in Judiciary. SB died in Appropriations.**

(HB 639 by Rep. Perez and SB 762 by Sen. Gruters)

The bill would have clarified an important issue of court security. Under the bill, each county sheriff would be required to coordinate with the board of county commissioners and the chief judge of the judicial circuit to develop a comprehensive security plan for trial court facilities. Under the plan, the sheriff would be in charge of court security and the chief judge would retain decision-making authority to ensure the protection of due process rights through the scheduling and conduct of trials and other judicial proceedings.

Issue: **Texting While Driving**

Outcome: **Passed. Chapter No. 2019-44**

Effective: July 1, 2019, except as otherwise expressly provided in this act

(HB 107 Rep. Toledo and Rep. Slosberg and SB 76 Sen. Simpson)

This bill authorizes a law enforcement officer to enforce the ban on texting while driving without first detaining the operator of the motor vehicle for a suspected violation of another provision. This bill also authorizes a law enforcement officer to stop a driver for failing to operate a wireless communication device in a hands-free manner while operating a motor vehicle in a work or school zone.

The bill requires a law enforcement officer who has stopped a person for texting while driving or violating the hands-free provision to inform the person of the right to decline a search of his or her wireless communications device. Law enforcement agencies must record the driver's race and ethnicity on the citation and report such information to the Department of Highway Safety and Motor Vehicles. The department must report at least statewide totals of such information annually starting February 1, 2020. Law enforcement officers must also record the type of device in the comment section of the traffic citation for violations of the hands-free ban in work or school zones.

Impact to Sheriffs: Sheriffs may stop drivers for texting while driving or for using a handheld device in a work or school zone as a primary offense. Sheriffs should be aware of the reporting requirements and the new criteria to follow when stopping a driver for violations of this act.



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Issue: **Implementation of Legislative Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission**

Outcome: **Passed. Chapter No. 2019-22**

Effective: **May 8, 2019**

(HB 7093 Rep. Sullivan and SB 7030 Sen. Diaz)

- Requires each district school board and district superintendent to partner with law enforcement agencies or security agencies to establish or assign one or more safe-school officers at each public school, including charter schools.
- Specifies that school boards must collaborate with charter school governing boards to facilitate charter school access to all safe-school officer options available and allows the school district to implement any combination of either a school resource officer, school safety officer (SSO), school guardian or school security guard program that best meets the needs of the school district and charter schools.
- Authorizes a school district or charter school governing board to participate in the Coach Aaron Feis Guardian Program in order to meet the requirements of establishing at least one Safe-School Officer at each public school and charter school.
- Expands the guardian program to allow either a school district employee or charter school employee who volunteers to serve as a guardian in addition to their official duties or an employee of a school district or charter school who is hired to serve as a guardian to serve as a school guardian.
- Specifies that if a school board denies a charter school access to any of the safe-school officer options, the district is required to assign a SRO or a SSO to the charter school, and the charter school's share of the costs may not exceed the safe school allocation funds provided to the charter school under the safe school allocation and shall be retained by the school district.
- Requires the school district to notify the county sheriff and the Office of Safe Schools within 72 hours where a safe-school officer is dismissed for misconduct or disciplined or discharges his or her firearm other than for training purposes.
- Specifies that agreements between the school board and local law enforcement agencies must include a procedure that requires school personnel to consult with SROs concerning delinquent acts and crimes and requires each principal to be responsible for notifying school personnel regarding their responsibilities related to reporting incidents which pose a threat to school safety.
- Maintains the requirement that the Florida Safe Schools Assessment Tool (FSSAT) be the primary physical site security assessment tool and adds that the Office of Safe Schools must make the FSSAT available for use by May 1 of each year and must provide annual training to each district's school safety specialist on the assessment of physical site security and completing the FSSAT.
- Requires the Department of Education to report to the Governor and the Legislature by December 1 of each year on the status of the implementation of the FSSAT across districts and schools regarding school safety measures and recommendations for policy or funding changes needed.
- Requires sheriffs assist district school boards and charter school governing boards in complying with the safe-schools officer requirement by providing, at minimum, access to a guardian program.



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- Requires a sheriff to establish a guardian program and provide training to district and charter school employees either directly or through a contract with a sheriff's office that has established a program if the school board votes by a majority to implement a program.
- Allows a charter school governing board to request the sheriff implement a guardian program by providing training to the school's employees, even if the local school board has not voted or has opted out of the guardian program.
- Specifies that if the sheriff denies the charter school's request to provide training, the charter school may contract with another sheriff's office who has a program to provide training so long as the board notifies the district superintendent and the sheriff in the charter school's county of the contract prior to its execution.
- Provides for the reimbursement to sheriffs who establish a guardian program for screening and training-related costs and for providing a one-time \$500 stipend to each guardian who participates.
- Requires sheriffs who establish a guardian program to consult with the FDLE on programmatic guiding principles, practices, and resources and allows the FDLE to request consultation with sheriffs on input regarding guidance to assist in the development and implementation of the guardian program.
- Requires the sheriff who conducts guardian training to issue a school guardian certificate to individuals who complete training requirements to the satisfaction of the sheriff and are responsible for maintaining documentation of weapon and equipment inspections, as well as training, certification, inspections, and qualification records of each certified school guardian.
- Specifies that a certified guardian may not serve as a school guardian unless appointed by the applicable school district superintendent or charter school principal.
- Removes the requirement that a school safety specialist be a school administrator and adds that a school safety specialist may also be a law enforcement officer employed by the sheriff's office within the district.
- Specifies that a School Safety Specialist designated from the sheriff's office must be authorized and approved by the sheriff, remains an employee of the sheriff's office for purposes of compensation and benefits, and allows the sheriff and superintendent to agree to reimbursement or sharing of any associated costs.
- Requires law enforcement dispatch centers and school districts to be made aware of the mobile suspicious activity reporting tool (MSAR) and requires the district school board to promote the use of the MSAR.
- Requires the Commissioner of Education to review the School Hardening and Harm Mitigation Workgroup report and provide a summary of recommendations to the Governor and the Legislature by September 1, 2020.
- Requires the Commissioner to ensure compliance with safety and security requirements of the MSD Public Safety Act by all public schools, including charter schools and to impose penalties for noncompliance or recommend sanctions to the Board of Education, the Governor or the Legislature.
- Expands the duties of the Office of Safe Schools to include developing a standardized statewide behavioral threat assessment instrument to be used by all public schools, including charter schools, by August 1, 2019 and to establish the Statewide Threat Assessment Database Workgroup.



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- Requires the Office of Safe Schools convene a School Hardening and Harm Mitigation Workgroup and submit a report to the Executive Director of the Office of Safe Schools by August 1, 2020 that includes a prioritized list for the implementation of school campus hardening and harm mitigation strategies.
- Requires the Office of Safe Schools to monitor compliance with requirements related to school safety by school districts and public schools, including charter schools, and must report incidents of noncompliance to the Commissioner and the Board of Education.
- Requires the Office of Safe Schools to publish a list each year detailing the total number of safe-school officers in Florida, the total number of safe-school officers disciplined or relieved because of misconduct, the total number of disciplinary incidents involving safe-school officers, and the number of incidents in which a safe-school officer discharged his or her firearm outside of a training situation or in the exercise of duties.
- Requires records of students who transfer from school to school to be transferred within three days and must include threat assessment evaluations and intervention services as well as psychological evaluations.
- Adds to district school board duties to include ensuring that each student at the time of initial registration note any corresponding referral to mental health services by the school district.
- Revises the application of zero-tolerance policies and removes the provision prohibiting zero-tolerance policies to be applied to misdemeanors, including, but not limited to minor fights or disturbances and specifies that any act that poses a threat to school safety must be reported to law enforcement agencies.
- Adds that emergency drills related to active shooter and hostage situations be conducted in accordance with developmentally appropriate and age-appropriate procedures.
- Adds that each school board and charter school governing board must adopt an active assailant response plan and each superintendent and charter school principal must certify each year beginning October 1, 2019 that all school personnel have received annual training on the procedures in the plan.
- Requires each school board to include procedures for behavioral threat assessments in compliance with the school security risk assessment tool and shall use the tool as soon as it becomes available.
- Requires threat assessment teams to verify that any intervention services provided to a student when that student transfers to another school remain in place until the threat assessment team of the receiving school can independently determine the need for intervention services.
- Specifies that each school board must adopt policies to ensure accurate and timely reporting of incidents related to safety and discipline (SESIR) and must adopt rules establishing the requirements for the report.
- Provides that the superintendent is responsible for reporting under SESIR and is subject to penalties for noncompliance, including the withholding of his or her salary.
- Specifies funding is provided to assist school districts in their compliance with 1006.07-1006.12, which includes the safe-school officers requirement and changes priority from implementing the district's SRO program to safe-school officers and eliminates the requirement that additional funds be appropriated in the 2018-2019 FY to be used exclusively for safe-school school officers and applies retroactively to July 1, 2018.



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- Revises the Safe School Allocation formula with one-third of the remaining balance to be allocated to the school districts based on the most recent official Florida crime index and two-thirds to be allocated based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment.
- Requires each district to report to the Department of Education by October 15 that all public schools within the district have completed the school security risk assessment using the FSSAT.
- Specifies that if a district school board is required to assign a SRO or SSO to a charter school, the charter school's share of costs for such officer may not exceed the amount of funds allocated to the charter school.
- Expands the purpose of mental health assistance funding to include training educators and school staff in detecting and responding to mental health issues, and connect with children, youth and families who may experience behavioral health issues with appropriate services.

Impact to Sheriffs: Requires sheriffs assist district school boards and charter school governing boards in complying with the safe-schools officer requirement by providing, at minimum, access to a guardian program. If a school board votes by a majority to implement the guardian program, a sheriff must establish a guardian program and provide training to district and charter school employees either directly or through a contract with a nearby sheriff's office that has established a program.

Due to the extensive impact this bill has on sheriffs' offices, please see the webinars located at on the Florida Sheriffs Association's website for more information.

Prevention & Youth Services

Issue: Mental Health

Outcome: Passed. Chapter No. 2019-134

Effective: July 1, 2019

(HB 361 Rep. Silvers and SB 1418 Sen. Powell)

The bill implements two recommendations of a Department of Children and Families task force on Baker Act cases involving minors, including a recommendation that encourages school districts to adopt a standardized suicide assessment tool that school-based mental health professionals would implement prior to initiation of an involuntary examination.

The bill also amends 394.4615, F.S., requiring that when a patient communicates a specific threat against an identifiable individual to a mental health service provider, the provider must release confidential information from a patient's clinical record sufficient to notify law enforcement of the threat. The threat must be communicated to law enforcement by the administrator of a mental health treatment facility or hospital once the patient has made the threat to a service provider. The bill further requires that a law enforcement agency



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that receives notification of the threat is required to take appropriate action to prevent the risk of harm to the threatened individual, including notifying the intended victim or initiating a risk protection order.

Impact to Sheriffs: Sheriffs should be aware of the new requirements related to appropriate action to be taken when a mental health provider reports a threat made by a patient.

Issue: **Child Welfare**

Outcome: **Failed. HB passed House. SB died in Appropriations.**

(HB 315 Rep. Latvala and SB 634 Sen. Rouson)

This bill would have required that if a law enforcement officer interacts with a parent or caregiver involved in the child welfare system, and the interaction results in the officer having a concern about the child's health, safety, or well-being, relevant details of the interaction must be reported by the officer to the central abuse hotline immediately after the interaction, even if the requirements of s. 39.201, relating to reporting of knowledge or suspicion of abuse, abandonment, or neglect, are not met. The bill also requires law enforcement officers to complete training on the recognition of and response to head trauma and brain injury in a child under 6 years as part of the basic recruit training or as part of continuing education before July 1, 2021.

Public Safety

Issue: **911 Services**

Outcome: **Passed, Chapter No. 2019-146**

Effective: *July 1, 2019*

(HB 441 Rep. DuBose and SB 536 Sen. Brandes)

This bill is a recommendation from the Marjory Stoneman Douglas High School Public Safety Commission and requires counties to develop and implement communications systems that will allow direct radio communication between the public safety answering points (PSAPs) and first responders within the PSAP's normal service area.

Specifically, the bill includes the following requirements:

- Each county must implement a text-to-911 services plan by January 1, 2022.
- The Technology Program must develop a plan to upgrade all 911 public safety answering points (PSAPs) within the state to allow the transfer of an emergency call from one local, multijurisdictional, or regional E911 system to another E911 system in the state.
- Each county must develop and implement communications systems that allow direct radio communication between PSAPs and first responder agencies within the PSAP's normal service area, for which the PSAP may reasonably receive 911 communications.
- Local first responder agencies must ensure each PSAP within a county is capable of directly notifying any first responder agency within that county of an emergency by radio and provides the following:



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- Each sheriff and first responder agency heads in each county must develop a written interlocal agreement that establishes the protocols by which a PSAP will directly notify by radio on-duty personnel of a first responder agency of an emergency for which the PSAP does not provide primary dispatch functions.
- Each agreement must require the PSAP to have direct radio contact with primary first responder agencies and their dispatchers, for whom the PSAP can reasonably receive 911 communications, without having to transfer a 911 communication to another PSAP or dispatch center for dispatch.
- At the written request of a law enforcement agency head, a law enforcement agency head in the same county or adjacent jurisdiction in another county must allow the requesting agency to install the responding agency's primary dispatch channel in the requesting agency's PSAP, dispatch center, or mobile radios, except in the event of incompatible radio technologies.
- Training for personnel of each first responder agency, PSAP and dispatch center concerning compliance must be conducted. Each sheriff must submit to the FDLE a copy of each interlocal agreement and written certifications all PSAPs in his or her county are in compliance by January 1, 2020.

Impact to Sheriffs: This bill will reduce interoperability issues and allow for more efficient dispatch of first responders in response to 911 communications. Each sheriff must submit an interlocal agreement demonstrating their compliance with this bill to the FDLE by January 1, 2020.

Issue: **Infectious Disease Elimination Act**

Outcome: **Passed, Chapter No. 2019-143**

Effective: *July 1, 2019*

(HB 171 Rep. Jones and SB 366 Sen. Braynon)

This bill establishes the Infectious Disease Elimination Act (IDEA). The bill authorizes the original Miami-Dade needle and syringe exchange pilot program to continue to operate until the Miami-Dade Board of County Commissioners establishes a program under this act or until July 1, 2021. The bill defines an "exchange program" as a sterile needle and syringe exchange program established under the IDEA as a means to prevent the transmission of diseases. Under the bill, a county commission may choose to authorize an exchange program to operate within its boundaries at one or more fixed locations or through mobile health units upon the satisfaction of specific program requirements. An exchange program may only be funded through grants and private donations, and may not be funded through any state, county or municipal funds.

The bill specifies that before an exchange program may be established, a county commission must:

- Authorize and approve the program under a county ordinance.
- Enter into a letter of agreement with the Department of Health regarding the operation of the program.
- Enlist the local health department to provide consultation for the program.



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- Contract with entities to operate the program such as a hospital, healthcare clinic, medical school, etc.

The bill also includes other programmatic requirements for a county's exchange program, such as:

- Development of an oversight and accountability system which tracks progress in achieving measurable goals and objectives and includes routine reporting requirements as well as consequences for noncompliance.
- A program may only operate on a one-to-one exchange ratio, whereby a participant may receive one sterile needle and syringe unit in exchange for each used one.
- Maximum security of sites where needles and syringes are exchanged.
- Provision of emergency opioid antagonist kits.

The bill further provides for immunity from civil liability for any law enforcement officer who arrests or charges a person in good faith who is thereafter determined to be immune from prosecution as provided under the IDEA.

Impact to Sheriffs: Sheriffs can work with their Board of County Commissioners to determine if they would like to support or oppose the establishment of a needle exchange program in their county.

Issue: Criminal Justice

Outcome: Passed. Chapter No. 2019-167

Effective: October 1, 2019, except as otherwise expressly provided in this act

(HB 7125 Rep. Renner and SB 642 Sen. Brandes)

This bill makes numerous comprehensive changes to impact public safety. Some of these changes include:

- Expands the availability of inmate reentry programming and services. The bill requires the DOC to provide a community reentry resource directory and a Prison Entrepreneurship Program for inmates.
- Allows DOC to contract with public or private organizations to establish transitional employment programs.
- Reduces barriers to occupational licensing for persons with a criminal history record.
- Expands eligibility for sealing a criminal record if a charge was dismissed, not filed, or resulted in acquittal.
- Raises felony theft thresholds for specified offenses, including grand theft and retail theft, to \$750.
- Repeals and reduces driver license suspensions and revocations for non-driving related reasons.
- Raises hydrocodone trafficking thresholds to bring them in line with similar controlled substances.
- Increases penalties for introducing a cell phone and other contraband into a county correctional institution.
- Permits a court to impose a sentence as a youthful offender if the person committed a felony before they turned 21 years old, regardless of their age at the time of sentencing.
- Permits grants awarded under the crime stoppers trust fund to be used to pay rewards for tips that result in certain things such as an arrest, recovery of stolen property, etc.



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- Provides that anyone who discloses, notwithstanding certain exceptions, privileged communication or the identity of someone who reports information to crime stoppers commits a third-degree felony.
- Adds cellular telephones and other portable communication devices to the definition of contraband in a county detention facility punishable as a third-degree felony, Level 4 offense.
- Increases criminal justice data transparency and specifies certain modified data to be collected and reported by certain agencies and entities, including county detention facilities. Includes reporting requirements to FDLE monthly for county detention facility administrators and specifies penalties for noncompliance. Requires the collection of the following additional information:
 - Weekly admissions for a revocation of pretrial release.
 - Inmates awaiting federal disposition.
 - Identifying information, including name, DOB, race, ethnicity, gender, case number, and assigned ID number.
 - Date of and reason why an inmate is booked, in addition to the date of processing, subsequent to an arrest for a new violation of law, community control or probation or for a violation of pretrial release.
 - Qualification for a flag designation including a habitual violent felony offender flag, prison release reoffender flag, three-time violent felony offender flag, or violent career criminal flag.
 - Annual revenue generated for the county from the temporary incarceration of federal defendants or inmates.
- Requires the Criminal and Juvenile Justice Information Systems Council to create a uniform arrest affidavit to be used by law enforcement to assist in the collection and reporting of data from each criminal offense arrest. Requires the collection of the following:
 - Identification of the arrestee.
 - Details of the arrest, including each charge.
 - Details of each vehicle and item seized at the time of arrest.
 - Juvenile arrestee information.
 - Release information.
- Creates a task force to review, evaluate, and make recommendations regarding sentencing for the ranking of noncapital felony offenses under the Criminal Punishment Code. The task force will consist of 15 members and will be headed by Attorney General Ashley Moody. The task force will submit a report to the Governor and Legislature by June 30, 2020 and will include any recommendations for legislative changes and an analysis of the expected impact of the recommendations if enacted by the Legislature.

Impact to Sheriffs: Due to the extensive impact this bill has on sheriffs' offices, please see the webinars located on the Florida Sheriffs Association's website for more information.



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Issue: **Hemp**

Outcome: **Passed. Chapter No. 2019-132**

Effective: *July 1, 2019*

(HB 333 Rep. Massullo and SB 1020 Sen. Bradley)

The bill creates s. 581.217 F.S., authorizing the Department of Agriculture and Consumer Services (DACS) to create a state hemp industrial program to administer and oversee the cultivation of hemp. The bill requires the DACS to submit a plan to the U.S. Department of Agriculture for the regulation and cultivation of hemp. The bill also provides for licensure requirements and requires DACS to adopt rules for establishing specific procedures by August 1, 2019, including procedures for testing the THC concentration of cultivated hemp.

The bill amends s. 893.02, F.S., to clarify “cannabis” does not include” hemp,” or “industrial hemp” as defined for industrial hemp pilot projects and specifies that “hemp” may not contain a total THC concentration greater than 0.3 percent on a dry-weight basis. The bill also defines “hemp extract” as a substance intended for ingestion that is derived from or contains hemp and that does not contain other controlled substances. The bill further provides for packaging specifications related to the retail sale of hemp extract, including a statement on packaging that the THC concentration does not exceed 0.3 percent on a dry-weight basis. Finally, the bill creates an Industrial Hemp Advisory Council to provide advice and expertise with respect to plans, policies, and procedures related to the administration of the state hemp program. The Council will include 15 members, including the president of the FSA (or his or her designee).

Impact to Sheriffs: Sheriffs will have to work closely with the Department of Agriculture and Consumer Services during and after their rulemaking process and assess how they are going to determine if a person is in possession of legal hemp or illegal cannabis because both substances appear similar.

Issue: **Medical Marijuana**

Outcome: **Passed. Chapter No. 2019-001**

Effective: *March 18, 2019*

(HB 7015 Rep. Rodriguez and SB 182 Sen. Brandes)

The bill eliminates the ban on smoking marijuana for medical purposes and allows patients to purchase up to 2.5 ounces of marijuana for smoking every 35 days. Under the bill, a patient may not possess more than four total ounces of marijuana at any one time, but a physician may request the DOH to authorize an exception to the supply and possession limits. The bill also allows dispensaries to sell any form of smokable marijuana and allows a qualified patient and his or her caregiver to purchase and possess delivery devices for smoking medical marijuana from a vendor that is not a medical marijuana treatment center (MMTC), such as a retail outlet. Additionally, the bill requires the DOH to establish requirements for marijuana delivery devices sold from a MMTC and provides for packaging and labeling requirements for marijuana in a form for smoking. The bill prohibits smoking medical marijuana in public places as well as in an enclosed indoor workplace. The bill further requires the Board of Medicine or the Board of Osteopathic Medicine to submit and establish practice standards for the certification of smokable marijuana by July 1, 2021.



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Impact to Sheriffs: There is no longer a smoking prohibition on marijuana for medical purposes. Patients cannot smoke marijuana in any location that is currently prohibited from smoking tobacco (i.e. parks, restaurants, businesses, etc.).

Issue: **Alcohol or Drug Overdose Prosecutions**

Outcome: **Passed. Chapter No. 2019-81**

Effective: *July 1, 2019*

(HB 595 Rep. Silvers and SB 530 Sen. Brandes)

The bill extends immunity under the 911 Good Samaritan Act (GSA) to provide immunity from arrest, charge, prosecution, and penalization to a person acting in good faith who seeks medical help for themselves or others for a drug or alcohol overdose. Specifically, the bill creates s. 562.112, F.S., providing immunity to a person who provides alcohol to an individual under 21 years old and to a person under 21 years old who possesses or consumes alcohol when seeking medical assistance for a drug or alcohol-related overdose. The bill specifies that immunity is contingent upon the person remaining at the scene and cooperating with emergency medical services personnel and law enforcement on arrival. The bill also amends s. 893.21, F.S., to provide criminal immunity for the use or possession of drugs or paraphernalia, excluding the possession of 10 grams or more of certain controlled substances, by a person who seeks medical assistance for themselves or an individual they believe to be experiencing a drug or alcohol-related overdose. The bill further specifies that a person may not be penalized for a violation of pretrial release, parole or probation if the evidence for such a violation was obtained as a result of their seeking medical assistance for a drug or alcohol-related overdose.

Impact to Sheriffs: Sheriffs must be aware of the expansion of immunity to persons who report, in good faith, drug or alcohol overdoses.

Issue: **Human Trafficking**

Outcome: **Passed. Chapter No. 2019-152**

Effective: *July 1, 2019*

(HB 851 Rep. Fitzenhagen and SB 540 Sen. Book)

- Creates a direct-support organization (DSO) within the Department of Legal Affairs to provide assistance, funding and support to the Statewide Council on Human Trafficking.
- Authorizes the DSO to contract with the Florida Forensic Institute for Research, Security, and Tactics (Pasco County) to develop training and information services focused on human trafficking detections.
- Requires hotel employees, massage parlor workers, certain healthcare providers and law enforcement to complete training related to human trafficking.
- Requires each certified law enforcement officer to successfully complete four hours of training in identifying and investigating human trafficking. Current officers must complete the training by July 1, 2022, and new officers must complete the training within one year of beginning employment.



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- Failure to complete the training may result in an officer's certification being placed on inactive status until he or she completes the required training. The training may count toward the 40 hours of required continued employment training.
- The training must be developed in consultation with the Department of Legal Affairs and the Statewide Council on Human Trafficking.
- Requires massage parlors and public lodging establishments to implement procedures for reporting suspected human trafficking to the National Human Trafficking Hotline or to a local law enforcement agency.
- Requires the FDLE to create a Soliciting for Prostitution Public Database and includes criminal history records of individuals convicted of soliciting prostitution.
- Criminalizes an adult theatre's failure to maintain age verification documentation and expands the definition of "adult theatre" to include strip club facilities and allows the Department of Business and Professional Regulation to inspect and enforce age verification requirements. The bill also penalizes a knowing violation of the age verification and documentation requirements by an adult theatre owner, operator or manager as a first-degree misdemeanor, punishable by up to one year in county and a \$1,000 fine.

Impact to Sheriffs: New law enforcement officers will need to complete the training specified under the bill within their first year of employment and current law enforcement officers will need to complete the training by January 1, 2022. Sheriffs should be aware that failure to complete the required training could result in a law enforcement officer's certification being placed on inactive status.

Issue: **Safety of Religious Institutions**

Outcome: **Failed. HB died in Judiciary. SB died in Criminal Justice.**

(HB 403 Rep. Grall and SB 1238 Sen. Mayfield)

The bill would have enabled a church, synagogue, or other religious institutions to authorize a person who has a license to carry a concealed weapon or firearm to carry a firearm on property owned, rented, or otherwise lawfully used by the religious institution. The bill would have also authorized a private or religious school to designate a person to carry a firearm on the school's property and requires a governing board or body to create policies and procedures a designee must meet.

Law Enforcement

Issue: **Federal Immigration Enforcement**

Outcome: **Passed. Chapter No. 2019-012**

Effective: *July 1, 2019*

(HB 527 Rep. Byrd and SB 168 Sen. Gruters)

The bill creates a new chapter of Florida Statutes entitled "Federal Immigration Enforcement" and seeks to ensure that state and local entities and law enforcement agencies cooperate with federal government officials



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to enforce, and not obstruct, immigration laws. The bill prohibits sanctuary jurisdictions and requires state and local entities to comply with federal immigration detainers when they are supported by proper documentation. Specifically, the bill:

- Prohibits a state entity, law enforcement agency, or local governmental entity, from having a sanctuary policy.
- Requires a covered government body to use its best efforts to support the enforcement of federal immigration law.
- Prohibits a state entity, local governmental entity, or law enforcement agency from restricting a law enforcement agency's ability to communicate or exchange information with a federal immigration agency on immigration enforcement matters.
- Requires a law enforcement agency that has custody of someone who is subject to an immigration detainer to notify the judge of the detainer, record in the person's file the existence of the detainer and comply with the detainer.
- Requires a county correctional facility to enter into an agreement with a federal immigration agency for the payment of costs associated with housing and detaining defendants.
 - A compliant agreement may include any contract between a correctional facility and a federal immigration agency for housing or detaining persons subject to immigration detainers. This could include:
 - Intergovernmental Service Agreement (IGSA) or
 - Basic Ordering Agreement (BOA)
- An additional agreement that a county correctional facility could enter into to improve coordination with ICE, but does not pertain to payment of costs associated with housing and detaining defendants include:
 - Warrant Service Officer Program
 - 287g
- Those identified as sanctuary policymakers are subject to actions by the Governor which include suspension or removal from office as authorized by state law and the State Constitution. Public funds may not be used to defend or reimburse a sanctuary policymaker who knowingly and willfully violates the law.

Impact to Sheriffs: Sheriffs who operate a jail must enter into an agreement with ICE for housing or detaining persons subject to immigration detainers by July 1, 2019. A compliant agreement may include, an IGSA or a BOA, but may also include other similar agreements authorized by federal law. Failure to do so can cause a sheriff to be removed from office by the Governor. Additionally, sheriffs who operate jails may enter into a WSO or 287g in addition to any of the above-mentioned housing or detaining agreements but will not on their own satisfy the requirements under this bill.



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Issue: Law Enforcement Canines and Horses

Outcome: Passed. Chapter No. 2019-009

Effective: October 1, 2019

(HB 67 Rep. Tomkow and SB 96 Sen. Bean)

The bill increases the penalty from a third-degree felony to a second-degree felony for intentionally and knowingly, without lawful cause or justification, injuring or killing a police, fire, or search and rescue (SAR) canine or a police horse. The bill also expands the definitions of police canine and SAR canine to include a canine that is owned, or the service of which is employed, by a correctional agency.

Impact to Sheriffs: This bill allows law enforcement to charge individuals who harm or kill a law enforcement canine or horse with a second-degree felony.



Issue: Carrying of Firearms by Tactical Medical Professionals

Outcome: Passed. Chapter No. 2019-77

Effective: July 1, 2019

(HB 487 Smith (D) and SB 722 Sen. Hooper)

The bill allows tactical medical professionals, including paramedics, physicians, or osteopathic physicians to carry a firearm while actively operating in direct support of a high-risk tactical operation by a law enforcement agency. The bill requires tactical medical professionals have a concealed weapons permit, be appointed to a law enforcement tactical team by the head of the agency, and successfully complete firearms and tactical training provided by the law enforcement agency each year. The bill also requires the law enforcement agency to have an established policy providing for the appointment, training, and deployment of the tactical medical professional and is responsible for issuing firearms and ammunition. The bill specifies that a tactical medical professional may not carry, transport, or store a firearm or ammunition on any fire apparatus or EMS vehicle. Under the bill, a tactical medical professional is not required to retreat and is justified in the use of any force which he or she reasonable believes is necessary to defend himself or herself from bodily harm.

Impact to Sheriffs: Law enforcement agencies that decide to implement this program will be required to have established policies for providing for the appointment, training and deployment of tactical medical professionals and will be responsible for training SWAT medics as well as providing the firearms and ammunition to be used by SWAT medics. The head of a law enforcement agency will have the final decision if they want to appoint a SWAT medic.



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Issue: DNA

Outcome: Passed. Chapter No. 2019-91

Effective: July 1, 2019

(HB 1021 Rep. Latvala and SB 920 Sen. Pizzo)

The bill expands current law to allow a match between a person's DNA sample in a current criminal investigation to a state or federal DNA database to be used as probable cause for an arrest warrant.

Impact to Sheriffs: Sheriffs may use a DNA sample found in the course of a criminal investigation that matches a state or federal database as probable cause for an arrest warrant, in addition to any other permitted uses under current law.

Issue: Motor Vehicle Racing

Outcome: Passed. Chapter No. 2019-125

Effective: July 1, 2019

(HB 611 Rep. Mercado and SB 116 Sen. Stewart)

The bill allows police to arrest a person who is racing a motor vehicle without a warrant if the officer has probable cause to believe he or she committed a racing offense. Specifically, the bill removes the requirement that an officer either witness the offense and arrest the offender immediately, arrest following fresh pursuit, or secure an arrest warrant, and instead allows an officer to obtain probable cause through the use of video, witness testimony and other evidence.

Impact to Sheriffs: Law enforcement can now arrest a person who is racing a motor vehicle without a warrant if they have probable cause to believe they committed a racing offense. The law enforcement officer no longer must witness the offense in-person.

Issue: Victims' Rights

Outcome: Failed. No House Companion. SB died in Criminal Justice.

(SB 1426 Sen. Book)

This bill was intended to clarify Amendment 6 which expanded the rights of victims set forth in Article 1, section 16 of the Florida Constitution. The bill did not clarify one of the more ambiguous rights in the Amendment related to the prevention of the disclosure of information or records that could be used to locate or harass the victim or victim's family. This right was left ambiguous and is subject to interpretation which has created some public records concerns for law enforcement.



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Issue: Searches of Cell Phones by Law Enforcement

Outcome: Failed. HB died in Judiciary. SB died in Judiciary.

(HB 1405 Rep. Toledo and SB 210 Sen. Brandes)

The bill would have amended the definition of oral communication to explicitly include communication recorded by a microphone-enabled device to ensure that communication intercepted by such a device is subject to Florida's wiretapping protections. The bill would have also required law enforcement obtain a warrant, as opposed to a court order, to conduct real-time location tracking or acquire historical location data of a cell phone.

Administration

Issue: Employer Contribution to Fund Retiree Benefits

Outcome: Passed, Chapter No. 2019-008

Effective: July 1, 2019

(SB 7016 by Governmental Oversight and Accountability)

This legislation sets the retirement employer contribution rates for the normal cost, unfunded actuarial liability (UAL) rates, health insurance subsidy, and the Deferred Retirement Option Program (DROP).

The rates for state fiscal year 2019-2020 are:

| Membership Class | Effective July 1, 2019 | | | | |
|----------------------------------|------------------------|----------|-------|-------|---------------|
| | Normal Cost | UAL Rate | Admin | HIS | Total |
| Regular | 3.19% | 3.56% | 0.06% | 1.66% | 8.47% |
| Special Risk | 12.53% | 11.14% | 0.06% | 1.66% | 25.39% |
| Special Risk Admin Support | 3.61% | 33.26% | 0.06% | 1.66% | 38.59% |
| Elected Officers-County Officers | 8.73% | 38.37% | 0.06% | 1.66% | 48.82% |
| Senior Management | 4.60% | 19.09% | 0.06% | 1.66% | 25.41% |
| DROP | 4.68% | 8.24% | N/A | 1.66% | 14.58% |

Impact to Sheriffs: Each sheriff's office must pay the total employer contribution rate to fund the retirement benefits of employees and retirees.



Issue: **Public Records Exemption: Killing of a Victim of Mass Violence**

Outcome: **Passed. Chapter No. 2019-46**

Effective: *Effective upon becoming law.*

(HB 7017 Rep. Grant and SB 186 Sen. Lee)

This bill expands a public record exemption and provides that photographs, audio or video recordings that depict or record the killing of a victim of mass violence held by a criminal justice agency are confidential, except as statutorily provided. The bill defines the term “Killing of a victim of mass violence” to include events that depict either a victim being killed or the body of a victim being killed in an incident in which three or more persons, not including the perpetrator, are killed of an intentional act of violence. The bill allows law enforcement or local or federal agencies to view or obtain a copy of the recording or photograph in performance of their duties.

Impact to Sheriffs: Agencies must keep records described above as confidential.

Issue: **Public Records Exemption: Civilian Personnel Employed by a Law Enforcement Agency**

Outcome: **Passed. Chapter No. 2019-012**

Effective: *July 1, 2019*

(HB 203 Rep. Zika and SB 248 Sen. Hooper)

This bill clarifies 119.071(4)(d), F.S. which contains several public records exemptions for home addresses and other information identifying specified agency personnel, including law enforcement officers and their families. The current exemptions do not provide protection for various forms of descriptive property information that may be used on its own, or in conjunction with other information to reveal the home addresses that otherwise should be protected from public disclosure. The bill defines the term “home addresses” as the dwelling location at which an individual resides and includes the physical, mailing and street address, parcel identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address.

This bill also expands a current public record exemption for personal information for law enforcement officers, to include former or active civilian personnel employed by a law enforcement agency. The bill exempts the following information from public records:

- Home addresses, phone numbers, DOBs, and photographs of active or former civilian personnel employed by a law enforcement agency as well as their spouses or children.
- Places of employment of the spouses and children of such personnel.
- Names and locations of schools and day care facilities attended by the children of such personnel.

Impact to Sheriffs: This bill provides greater protection to law enforcement officers by ensuring their home addresses are fully exempt from public record. Agencies must keep records described above as exempt from public record.



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Issue: Public Records Exemption: Protective Injunctions

Outcome: Passed. Chapter No. 2019-39

Effective: July 1, 2019.

(HB 845 Rep. Hage and SB 980 Sen. Harrell)

This bill creates a public records exemption that temporarily blocks public access to any information that can be used to identify a petitioner or respondent in a petition for a protective injunction alleging domestic violence, repeat violence, dating violence, sexual violence, stalking or cyberstalking. The information will be confidential and exempt only until the alleged batterer or stalker is served by a law enforcement officer with a copy of the petition, the notice of hearing, and copies of any affidavits or temporary injunctions.

Impact to Sheriffs: This bill will provide additional safety to law enforcement officers serving these petitions.

Issue: Budgets of County Constitutional Officers

Outcome: Failed. HB died in State Affairs. SB died in Community Affairs.

(HB 267 Rep. Sabatini and SB 696 Sen. Hutson)

This bill would have required county constitutional officers, including sheriffs, to submit their budgets to the board of county commissioners in sufficient detail and as the board may require. The bill would also require the tentative and final budgets of each constitutional officer to be posted on the county's official website at least two days prior to the public hearing and would have to include a separate narrative explaining the budget priorities.

Issue: Death Benefits for Survivors of First Responders

Outcome: Passed. Chapter No. 2019-24

Effective: July 1, 2019.

(HB 7105 Rep. Andrade and SB 7098 Sen. Hooper)

This bill implements Amendment 7 to require the payment of death benefits to the survivors of certain first responders, Florida National Guard (FLNG) members and members of the United States Armed Forces. The bill expands some of the current death benefits currently provided to FLNG members, firefighters, and law enforcement, correctional, and correctional probation officers and sets the benefit amounts as follows:

- \$75,000 where an eligible individual is accidentally killed or receives accidental bodily injury that results in the loss of the individual's life.
- An additional \$75,000 when an eligible individual is accidentally killed in the above manner and meets additional requirements, such as the accidental death occurs as a result of a response to an emergency.
- \$225,000 when an eligible individual is unlawfully and intentionally killed or dies as a result of an unlawful and intentional act while engaged in the performance of official duties.



The bill also provides the above benefits to paramedics and emergency medical technicians and removes the annual Consumer Price Index adjustment of the benefits amounts. The bill expands eligibility for educational benefits for children of first responders to include any first responders accidentally killed while engaged in the performance of their official duties and paramedics and EMTs killed while engaged in the performance of their official duties.

Impact to Sheriffs: Increases the amount of supplemental death benefits to survivors of law enforcement officers.

Jails, Corrections & Re-Entry

Issue: Incarcerated Women

Outcome: Passed, Chapter No. 2019-65

Effective: July 1, 2018

(HB 49 Jones and Sen. 332 Pizzo)

This bill requires correctional facilities, including jails, to provide female inmates with healthcare products and prohibits a male correctional officer from conducting a pat-down or body cavity search of a female inmate with certain exceptions. The bill defines the term “healthcare products” to include feminine hygiene products, including tampons, moisturizing soap that is not lye-based, toothbrushes, toothpaste, and any other product the correctional facility deems appropriate. Healthcare products must be made available in common housing areas and medical facilities, at no cost, and in a quantity that is appropriate to the needs of the inmate. A “correctional facility employee” is defined as a correctional officer employed by a correctional facility, including a county detention facility.

Specifically, the bill provides that a male correctional facility employee:

- May not conduct a pat-down or body cavity search on an incarcerated woman except in situations where the female inmate is presenting an immediate risk of harm and a female correctional facility employee is not available.
- Must announce his presence upon entering a housing unit for female inmates.
- With the exception of the above specified circumstances, may not enter an area in which a female inmate might be in a “state of undress” or areas in which a female inmate may be viewed, such as restrooms, shower areas and medical treatment areas. The bill defines the term “state of undress” to mean not dressed or not fully dressed.
- May enter a prohibited area only in the event of a medical emergency or if a female inmate presents an immediate risk of harm to herself or others and a female correctional facility employee is not available, or a female correctional facility employee requires assistance.
- Who conducts a pat-down or body cavity search or enters a prohibited area in an emergency situation, is required to document the incident, including the circumstances necessitating his actions, within three days.



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Impact to Sheriffs: Sheriffs who operate jails must provide the defined feminine hygiene products to all female inmates free of charge. In addition, sheriffs should train their staff to ensure compliance with the required procedures male correctional employees must take when dealing with female inmates. Such training should include training of male correctional officers, as well as other males employed by the jail, such as male nurses, male maintenance workers, or any other male employees of a jail who may potentially enter an area in which a female might be in a state of undress in the course of his duties.

Issue: **Corrections**

Outcome: **Passed. Chapter No. 2019-113**

Effective: *July 1, 2019.*

(HB 7057 Rep. Roach and SB 7046 by Sen. Governmental Oversight and Accountability)

This bill amends the definition of critical infrastructure facilities in s. 330.41, F.S., to include state and private correctional facilities, specific juvenile justice facilities, and county jail and detention facilities. A person may not knowingly and willfully:

- Operate a drone over a critical infrastructure facility;
- Allow a drone to make contact with a critical infrastructure facility; or
- Allow a drone to come close enough to a critical infrastructure facility as to interfere with the operations of or cause a disturbance to the facility.

A first offense is a second-degree misdemeanor and a second or subsequent violation is a first-degree misdemeanor. The bill also decreases the minimum age requirements for a state correctional officer from 19 years to 18 years.

Impact to Sheriffs: Sheriffs may enforce violations for flying a drone over their jail facilities.

Issue: **Lewd or Lascivious Exhibition**

Outcome: **Passed. Chapter No. 2019-50**

Effective: *July 1, 2019.*

(HB 599 Rep. Gottlieb and SB 828 Sen. Rader)

The bill extends the prohibition under F.S., 800.09 of lewd or lascivious exhibition in the presence of correctional employees to include any person employed at or performing contractual services for a county detention facility. A violation is a third-degree felony.

Impact to Sheriffs: The bill will provide county correctional facility employees with the ability to impose a criminal penalty for violations of this act based on their own discretion.



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Issue: **Youth in Solitary Confinement**

Outcome: **Failed. HB withdrawn before consideration. SB died in Appropriations.**

(HB 755 Rep. Alexander and SB 624 Sen. Montford)

The bill would have created a new statute to prohibit placing a youth in isolation by the Department of Corrections except under certain circumstances. The bill would have also required each sheriff and chief correctional officer to adopt model standards for county and municipal detention facilities applicable to the confinement of prisoners by classification on the basis of age and a strict prohibition on the solitary confinement of prisoners under the age of 19.

Issue: **Implementing Bill: Amendment 11**

Outcome: **Passed. Chapter No. 2019-63**

Effective: *Upon becoming a law.*

(HB 7069 Rep. Fernandez-Barquin and SB 1656 Sen. Lee)

This bill clarifies Amendment 11 and creates a general savings statute for criminal statutes which precludes the retroactive application of any new sentencing laws with certain exceptions, including:

- If a penalty, forfeiture, or fine is reduced by a reenactment or amendment of a criminal statute and has not been imposed already.
- Does not limit the retroactive effect of any defense to a criminal statute enacted or amended by the Legislature to any criminal case on appeal or that has not resulted in the imposition of a judgment or sentence.
- Lawmakers sign off on the retroactive application of any new sentencing laws.

Impact to Sheriffs: Ensures offenders arrested/prosecuted for crime will serve their full sentence and that any future sentencing changes by the Florida Legislature must make it clear that the sentencing change is retroactive.

Issue: **Implementing Bill: Amendment 4**

Outcome: **Passed. Chapter No. 2019-162**

Effective: *July 1, 2019, except as otherwise expressly provided in this act.*

(HB 7101 Rep. Ingoglia and SB 7066 Sen. Brandes)

This bill Implements Amendment 4 which granted the automatic restoration of voting rights to felons who completed all terms of their sentence, including parole and probation, except those convicted of murder or a felony sexual offense. The bill clarifies which crimes qualify as “murder” or “felony sexual offenses” and what it means for an offender to “complete all terms of a sentence.”

The bill defines “completion of all terms of a sentence” as the completion of all terms ordered by a judge within the four corners of a sentence. This includes completion of all nonmonetary terms including probation



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and parole, and the payment of all financial obligations, including fines, fees and restitution (even if converted to a civil lien) ordered by a judge as part of a sentence.

The bill requires state and county detention facilities to provide the following information to each prisoner convicted of a felony, at least two weeks prior to discharge, if possible:

- Information explaining voting rights restoration.
- Written notification of all outstanding terms of the prisoner's sentence at the time of release to assist the prisoner in determining his or her status with regard to the completion of all terms of sentence.

Impact to Sheriffs: Sheriffs who operate jails will need to provide the above-described information to inmates convicted of felons two weeks before the inmate is scheduled to be released or as soon as practicable.