

**2019 LEGISLATIVE SUMMARY
LAWS OF INTEREST TO FLORIDA LAW ENFORCEMENT**

This Legal Bulletin contains brief summaries of most laws of interest to the Florida law enforcement community that were passed during the 2019 regular session of the Florida Legislature. The Legislative Summary, available on FDLE's public website, may be found at: <https://www.fdle.state.fl.us/OGC/Summaries/Legislative-Summaries.aspx>. The Legislative Summary does not address every element of every summarized law, and some laws of potential interest to law enforcement have been omitted; you should review the entire content of any law in which you have a particular interest. The Summary includes Internet hyperlinks to the complete text of all summarized bills.

This year's Summary is the product of the combined efforts of many within the FDLE Office of General Counsel, including Deputy General Counsels James Martin and Joe White, Assistant General Counsels Shehla Milliron, Linton Eason, Weston Petkovsek, Rebecca Cambria, Janelle Surace, Christopher Bufano, Elisabeth Yerkes, Ray Shackelford, Dorothy Smith, Kate Holmes, Jeff Dambly, Regional Legal Advisor Lauren Gonzalez, Operations and Management Consultant Manager Dana Kelly, and Business Consultant Kim Shaw. *Do not rely solely on the Summary for a complete understanding of any bill or the 2019 Session.* Law enforcement officers should check with their chain of command and agency legal advisors to determine the effect specific legislation may have upon agency operations.

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Legislative information, including copies of the laws as passed may be accessed on the Florida Legislature's web site (<http://www.leg.state.fl.us>). Select the bill versions ending in "er" and the greatest numeral, which is the "enrolled" version sent to the Governor. *Those without Internet access may obtain printed copies of laws as passed from:*

House Documents Office
Room 513, The Capitol
Tallahassee, FL 32399-1300
(850) 717-5650

Senate Documents Office
Room 405, The Capitol
Tallahassee, FL 32399-1100
(850) 487-5229

FLORIDA DEPARTMENT OF LAW ENFORCEMENT
OFFICE OF GENERAL COUNSEL



2019 LEGISLATIVE SUMMARY

House Bill 49 (Ch. 2019-65): Incarcerated Women; Department of Corrections; Department of Juvenile Justice; Detention Facilities; Dignity for Incarcerated Women Act; Health Care; Inmate Privacy

This bill creates F.S. 944.242 and is cited as the "Dignity for Incarcerated Women Act." The bill requires correctional facilities to provide incarcerated women with certain health care products. The bill defines "health care products" to include feminine hygiene products (including tampons), moisturizing soap that is not lye-based, toothbrushes, toothpaste, and any other health care product the correctional facility deems appropriate. These items must be available at no cost and in a quantity appropriate for the needs of the woman.

Additionally, the bill states that male correctional employees are prohibited from conducting a pat-down search or body cavity search on an incarcerated woman unless the incarcerated woman is in immediate risk of harm to herself or others and a female correctional employee is unavailable to do the search. A male correctional employee must announce his presence upon entering a housing unit for incarcerated women and must not enter specified areas where an incarcerated woman may be in a state of undress or in an area where she may be viewed in a state of undress unless there is a medical emergency or unless an incarcerated woman presents an immediate risk of harm to herself or others and a female correctional employee is unavailable or a female correctional employee needs assistance. If a male correctional employee conducts a pat-down search or body cavity search or enters a prohibited area due to an emergency situation, he must document the incident no later than three days after the incident.

Effective Date: July 1, 2019

<http://www.flsenate.gov/Session/Bill/2019/49/BillText/er/PDF>

Senate Bill 96 (Ch. 2019-9): Police, Fire, and Search and Rescue Dogs and Police Horses; Search and Rescue, Police Animals; Crimes

This bill amends F.S. 921.0022 to increase the criminal offense to a second degree felony for those who "intentionally and knowingly, without lawful cause or justification, cause great bodily harm, permanent disability, or death to, or using a deadly weapon upon," a police, fire, or search and rescue canine, or a police horse. The bill amends F.S. 843.19 to include in the definition of police canine and search and rescue canine one that is owned, or the service of

which is employed, by a correctional agency. The bill also replaces the word “dog” with the word “canine” in F.S. 767.16 and F.S. 843.19, respectively.

Effective Date: October 1, 2019

<http://www.flsenate.gov/Session/Bill/2019/96/BillText/er/PDF>

House Bill 107 (Ch. 2019-44): Wireless Communications While Driving; Communications; Civil Citations; Department of Highway Safety and Motor Vehicles; Law Enforcement Officers; Motor Vehicles; Transportation; Vehicles; Texting While Driving; Searches and Seizures; Law Enforcement Agencies

This bill amends F.S. 316.305 and allows a law enforcement officer to stop a vehicle and issue a citation to the vehicle operator solely for texting while driving. The bill defines “wireless communication device” as any handheld device used or capable of being used in a handheld manner, that is designed or intended to receive or transmit text or character-based messages, access or store data, or connect to the Internet or any communications service as defined in F.S. 812.15, and that allows text communications.

This bill also creates F.S. 316.306, titled, “school and work zones; prohibition on the use of a wireless communications device in a handheld manner.” It authorizes law enforcement officers to stop motor vehicles and issue citations to persons who are driving in a designated school crossing, school zone, or active work zone while using a wireless communications device in a handheld manner. During the period of October 1, 2019 through December 31, 2019, a law enforcement officer may stop a vehicle to issue a verbal or written warning. As of January 1, 2020, a citation may be issued to vehicle operators who are driving while using a wireless communications device in a handheld manner in a school crossing, school zone, or active work zone.

For both texting while driving and use of a wireless communications device in a handheld manner while operating a motor vehicle in a designated school crossing, school zone, or work zone, the bill requires a law enforcement officer to inform the person of his or her right to decline a search of his or her wireless communication device and may not access the wireless communication device without a warrant. The law enforcement officer may not confiscate the wireless communication device while awaiting issuance of a warrant and may not obtain consent from the vehicle operator to search his or her wireless communications device through coercion or other imposed method. Consent to search a vehicle operator’s wireless communications device must be voluntary and unequivocal. When a law enforcement officer issues a citation for a violation, the officer must record the race and ethnicity of the violator. All law enforcement agencies must maintain such information and report the information to the Department of Highway Safety and Motor Vehicles.

Effective Date: July 1, 2019, and October 1, 2019

<http://www.flsenate.gov/Session/Bill/2019/107/BillText/er/PDF>

Senate Bill 124 (Chapter No. 2019-10): Dependent Children; Department of Juvenile Justice; Department of Children and Families, State Agencies; Juveniles; Guardian Ad Litem; Dependency

This bill allows the court to consider any information provided by the Guardian Ad Litem program or attorney ad litem before making a final disposition in juvenile proceedings or when receiving a quarterly report in juvenile proceedings, for children under the jurisdiction of a dependency court. This bill requires the Department of Juvenile Justice to notify a variety of actors – including the court, the Department of Children and Families, the Guardian Ad Litem (if applicable) and the juvenile’s attorney ad litem – before the department can transfer a dependent child its custody to another facility or program. This bill also expands community reentry teams to allow for the addition of the Guardian Ad Litem Program.

Effective Date: April 26, 2019

<https://www.flsenate.gov/Session/Bill/2019/124/BillText/er/PDF>

Senate Bill 160 (Ch. 2019-45): Prohibited Acts in Connection with Obscene or Lewd Materials; Crimes

This bill prohibits a person from knowingly selling, lending, giving away, distributing, transmitting, showing, or transmuting; offering to sell, lend, give away, distribute, transmit, show, or transmute; having in his or her possession, custody, or control with the intent to sell, lend, give away, distribute, transmit, show, or transmute; or advertising an obscene child-like sex doll. A first violation is punishable as a felony of the third degree and a second or subsequent violation is punishable as a felony of the second degree.

The bill also prohibits a person from knowingly having in his or her possession, custody, or control an obscene, child-like sex doll. A first violation is punishable as a misdemeanor of the first degree and a second or subsequent violation is punishable as a felony of the third degree.

Effective Date: October 1, 2019

<https://www.flsenate.gov/Session/Bill/2019/160/BillText/er/PDF>

Senate Bill 168 (Ch. 2019-102): Federal Immigration Enforcement; Department of Legal Affairs; Sanctuary Policies, State Agencies; Local Government; Law Enforcement Agencies; Department of Corrections

This bill establishes F.S. 908.103, which prohibits a state entity, law enforcement agency, or local governmental entity from adopting or having in effect a sanctuary policy, defined as “a law, policy, practice, procedure, or custom adopted or allowed by a state entity or local governmental entity which prohibits or impedes a law enforcement agency from complying with 8 U.S.C. s. 1373 or which prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency so as to limit such law enforcement agency in, or prohibit the agency from:

- (a) Complying with an immigration detainer;
- (b) Complying with a request from a federal immigration agency to notify the agency before the release of an inmate or detainee in the custody of the law enforcement agency;

- (c) Providing a federal immigration agency access to an inmate for interview;
- (d) Participating in any program or agreement authorized under section 287 of the Immigration and Nationality Act, 8 105 U.S.C. s. 1357; or
- (e) Providing a federal immigration agency with an inmate's 107 incarceration status or release date."

The bill also requires law enforcement agencies to support the enforcement of federal immigration laws to the best of their abilities. The bill prohibits state entities, local governmental entities, law enforcement agencies, or specified persons from prohibiting certain actions related to immigration enforcement unless expressly prohibited by federal law. The bill creates obligations for law enforcement agencies having custody over a person subject to an immigration detainer.

In certain cases when a criminal defendant is subject to an immigration detainer, the bill requires a court to adjust the defendant's sentence to ensure a seamless transition of the defendant to federal custody upon the adjusted completion of the defendant's criminal sentence. In such cases, the bill obliges law enforcement agencies to provide the presiding judge with information regarding immigration detainees when in possession of such knowledge. The bill also provides for the ability of county correctional facilities or the Department of Corrections to transfer inmates into federal custody upon the adjusted completion of a sentence when that inmate is subject to a federal immigration detainer.

The bill authorizes the Governor to take certain actions and initiate judicial proceedings against actors who violate the bill's terms to enforce its provisions, and it authorizes the Attorney General to initiate proceedings for declaratory or injunctive relief for violations of the bill's requirements.

Effective Dates: July 1, 2019, and October 1, 2019

<http://flsenate.gov/Session/Bill/2019/168/BillText/er/PDF>

Senate Bill 180 (Ch. 2019-6): Lost or Abandoned Personal Property; Public Establishments; Public Lodging; Charitable Institutions; Donations

This bill permits owners and operators of certain establishments – to include theme parks, entertainment complexes, zoos, museums, aquariums, public food service establishments, and public lodging establishments –to discard lost or abandoned property found on its premises. The bill also allows owners and operators to donate such items. If an owner or operator chooses to discard or donate lost or abandoned property, they must first take charge of the property, maintain a record of the property, and hold the property for at least 30 days. The law prohibits the sale of the property. If the original owner of the property does not claim it after 30 days, the owner or operator must discard the property, or alternatively donate it to a charitable institution. If the lost or abandoned property is a certain type of electronic device, and the property is donated to a charitable institution, the charitable institution must make reasonable efforts to delete all personal data from the device before it is sold or discarded. The law also provides that the rightful owner of the property may, at any time prior to the property being donated or discarded, reclaim the property.

Effective Date: July 1, 2019

<http://flsenate.gov/Session/Bill/2019/180/BillText/er/PDF>

Senate Bill 182 (Ch. 2019-1): Medical Use of Marijuana; Marijuana Delivery Device; Medical Marijuana Treatment Centers; Marijuana; Board of Medicine; Board of Osteopathic Medicine; Department of Health; State Agencies; Consortium for Medical Marijuana Clinical Outcomes Research

This bill amends numerous sections of Florida Statutes related to the medical use of marijuana by: Redefining the term “marijuana delivery device” to provide an exception to the requirement that such devices must be purchased from a medical marijuana treatment center for devices that are intended for the medical use of marijuana by smoking; redefining the term “medical use” to include the possession, use, or administration of marijuana in a form for smoking; restricting the smoking of marijuana in enclosed indoor workplaces. This bill also requires a qualified physician to submit specified documentation to the Board of Medicine and the Board of Osteopathic Medicine upon determining that smoking is an appropriate route of administration for a qualified patient, other than a patient diagnosed with a terminal condition; limits the amount of medical marijuana one can possess or keep in supply to a 35-day supply may not exceed 2.5 ounces, and a patient may not possess more than four total ounces at any one time but an exception to the limit can be submitted for the patient by the physician to the Department of Health; This bill renames the “Coalition for Medical Marijuana Research and Education” as the “Consortium for Medical Marijuana Clinical Outcomes Research”; mandates the Consortium annually adopt a plan for medical marijuana research “that contributes to the body of scientific knowledge on the effects of the medical use of marijuana, and informs both policy and medical practice related to the treatment of debilitating medical conditions with marijuana.”

Effective Date: March 18, 2019

<http://flsenate.gov/Session/Bill/2019/182/BillText/er/PDF>

Senate Bill 186 (Ch. 2019-46): Public Records/Victim of Mass Violence

This bill creates an exemption from public records requirements for depictions of victims of mass violence. This exemption provides that a photograph or video or audio recording that depicts the killing of a victim of mass violence is confidential and exempt from public records disclosure requirements. This exemption provides that the surviving spouse, parent, or adult child of the victim can share or publicly release such photograph or video or audio recording. The bill also defines a victim of mass violence as “the acts that depict either a victim being killed or the body of a victim killed in an incident in which three or more persons, not including the perpetrator, are killed by the perpetrator of an intentional act of violence.” The bill also provides that a photograph, video, or audio recording depicting the killing of a victim of mass violence shall only be provided to the deceased’s surviving relative or designee, a governmental entity in furtherance of its official duties, or a person authorized based on a court order upon a showing of good cause. The bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2024, unless reenacted by the Legislature.

Effective Date: May 23, 2019

<https://www.flsenate.gov/Session/Bill/2019/186/BillText/er/PDF>

Senate Bill 248 (Ch. 2019-12): Public Records/Civilian Personnel Employed by a Law Enforcement Agency; Law Enforcement Agencies

This bill expands the current exemption for “home addresses” for active or former sworn law enforcement personnel or of active or former civilian personnel employed by a law enforcement agency. This bill expands the definition of “home addresses” to include the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the employee’s home address. The bill also provides that an employee, a justice, a judge, or other person specified by statute, in order to have his/her information exempt from public record, may provide a written request to the custodial agency to authorize the release of the exempt information. The written request must be notarized and specify the information to be released and the party who is authorized to receive the information. Upon this notarized written request, the custodial agency shall release the information to the designated entity. This bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2024, unless reenacted by the Legislature.

Effective Date: July 1, 2019

<https://www.flsenate.gov/Session/Bill/2019/248/BillText/er/PDF>

House Bill 311 (Ch. 2019-101): Autonomous Vehicles; Motor Vehicles; Licenses

The bill amends several provisions of Florida Statutes in order to further the operations of autonomous vehicles. Of note to law enforcement, the bill amends F.S. 316.85, allowing fully autonomous vehicles to no longer require a licensed human operator. The bill also allows the vehicle to operate without a licensed operator physically present in the vehicle. The bill provides that the automated driving system is the operator of such a vehicle, not a human, and requires motor vehicle laws to be interpreted consistently with this principle. The bill amends provisions of Chapter 316, Florida Statutes, to exempt fully autonomous vehicles from certain reporting provisions related to operator information after accidents. The bill also creates F.S. 322.015 to

exempt fully autonomous vehicles from the provisions of Chapter 322 when operating without a licensed human operator present.

Effective Date: July 1, 2019

<http://flsenate.gov/Session/Bill/2019/311/BillText/er/PDF>

Senate Bill 318 (Ch. 2019-49): Public Records/Child Abuse, Abandonment, or Neglect

This bill expands the exemption pertaining to confidentiality of reports and records in cases of child abuse or neglect. The bill provides that the name of the reporter as all as any other identifying information of the reporter of child abuse or neglect shall be released only to the persons or entities specifically provided for in statute. This bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2024, unless reenacted by the Legislature.

Effective Date: July 1, 2019

<https://www.flsenate.gov/Session/Bill/2019/318/BillText/er/PDF>

House Bill 327 (Ch. 2019-37): Public Meetings/Public Records/Local Government Utilities; Public Records; Public Meetings; Facility Security

This bill addresses public meetings, specifically dealing with public record exemptions for utilities owned or operated by local governments. The bill amends F.S. 286.0113 and creates an exemption from sunshine requirements for the portions of public meetings held by a local government-owned or operated utility when discussing information related to the security of technology, processes, and practices of the utility in order to protect the technological systems and infrastructure of the utility. The recordings and transcripts of these portions are exempt from disclosure under F.S. 119.07(1) and Section 24(a), Art. I of the State Constitution. The bill argues that this is necessary to protect facilities from attacks, disruptions, and damage to utility services, and that maintaining safe and reliable utility systems are vital to protecting the public health and safety of the state. This bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2024, unless reenacted by the legislature.

Effective July 1, 2019

<https://www.flsenate.gov/Session/Bill/2019/327/BillText/er/PDF>

House Bill 341 (Ch. 2019-69): Motor Vehicles and Railroad Trains; Vehicles; Uniform Traffic Control Law; Crashes; Department of Highway Safety and Motor Vehicles; State Agencies; Law Enforcement Officers

This bill amends F.S. 316.003 to provide that a railroad train is not a motor vehicle under the Florida Uniform Traffic Control Law, clarifying prior confusion as to the reporting requirements to the Department of Highway Safety and Motor Vehicles of railroad train passengers when involved in a crash with a motor vehicle. The bill also amends F.S. 316.068 to provide law enforcement officers with discretion in deciding whether and how to collect and report the names and addresses of those involved in a vehicle crash involving a railroad train. The bill maintains the current requirement for law enforcement officers to collect and report the names and contact information of witnesses. The bill further amends F.S. 316.068 to provide that

members of railroad train crews and passengers on railroad trains are not passengers for purposes of the motor vehicle crash report. The bill requires that members of a train's crew must provide certain information, to include their federal certification, if requested by law enforcement.

Effective Date: July 1, 2019

<http://www.flsenate.gov/Session/Bill/2019/341/BillText/er/PDF>

House Bill 385 (Ch. 2019-169): Transportation; Vehicles; Law Enforcement Officers

This bill provides for several government requirements related to the use of surtaxes. Relevant to law enforcement, the bill authorizes an electronic copy of rental or lease documentation issued for a motor vehicle or issued for a replacement vehicle in the same registration period to be in the possession of the operator or carried in the vehicle which shall be exhibited upon demand of any authorized law enforcement officer or agent of the department.

Effective Date: July 1, 2019

<https://www.flsenate.gov/Session/Bill/2019/385/BillText/er/PDF>

House Bill 427 (Ch. 2019-427): Honor and Remember Flag; Law Enforcement Agencies; Local Government; State Agencies

This bill creates F.S. 256.16 and designates the "Honor and Remember" flag as a symbol of the state to honor "the service and sacrifice of the brave men and women of the United States Armed Forces who have given their lives in the line of duty." This bill allows the "Honor and Remember" flag to be displayed at certain state-owned locations on specified days and in accordance with specific requirements. The flag must be made in the United States and displayed with no more than two additional flags on a flagpole. The bill gives a department, agency, or local government in control of a location at which a flag may be flown the ability to adopt regulations to implement this law, but the regulations cannot require an employee to report to work for the singular purpose of displaying the flag.

Effective Date: January 1, 2020

<http://www.flsenate.gov/Session/Bill/2019/427/BillText/er/PDF>

House Bill 441 (Ch. 2019-146): E911 Systems; Communications; Law Enforcement Agencies; First Responders; Public Service Answers Points; Department of Law Enforcement

The bill contains three requirements relating to 911 services. First, each county is now required to develop and implement a countywide plan comprised of "text" to 911 services. This plan must be put into place by January 1, 2022. Second, the bill requires that communications systems be put into place which allow direct radio communication between each public service answering point (PSAP) and first responders. Third, the bill requires each sheriff to facilitate the creation and implementation of written interlocal agreements between all primary first responder agencies within the county. Each agreement must establish written protocols that outline circumstances and public safety emergencies under which a PSAP will directly provide notice by radio of an emergency to a first responder agency's on-duty personnel when the PSAP

does not provide primary dispatch functions for that agency. 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. Each PSAP must also be capable of immediately broadcasting 911 communications over the primary radio dispatch channels of each first responder agency in the county it serves except where the PSAP can't reasonably receive 911 communications.

Upon written request from a law enforcement agency executive, a law enforcement agency executive in the same or adjacent jurisdiction must allow authorization of requesting agencies to allow the installation of the responding agency's primary dispatch channel in the requesting agency's PSAP, dispatch center or mobile or portable radios. By January 1, 2020, each sheriff must provide FDLE with a copy of each interlocal agreement and written certification that all PSAPs in their county are in compliance.

Effective Date: July 1, 2019

<https://www.flsenate.gov/Session/Bill/2019/441/BillText/er/PDF>

House Bill 453 (Ch. 2019-109): Micromobility Devices; Motorized Scooters; Transportation; Local Government; Drivers Licenses; Motor Vehicles; Disasters

This bill establishes a regulatory framework for authorizing the operation of micromobility devices and motorized scooters. The bill defines "micromobility device" and revises the definition of "motorized scooter." The bill grants certain rights and applies certain duties to the operator of a micromobility device or motorized scooter that are the same as those of a bicycle rider. The bill also specifies that a local government is not prevented from exercising its regulatory authority with respect to the operation of micromobility devices or motorized scooters on streets, highways, and sidewalks under its jurisdiction. Additionally, the bill allows the operation of a micromobility device or motorized scooter without a valid driver license; excludes micromobility devices and motorized scooters from compliance with vehicle registration, licensing, and insurance requirements, equipment requirements for slow-moving vehicles, and motor vehicle provisions related to licensing and license-plate display; and requires a person who offers motorized scooters or micromobility devices for hire to secure all such devices located in any area of the state where an active tropical storm or hurricane warning has been issued.

Effective Date: June 18, 2019

<https://www.flsenate.gov/Session/Bill/2019/453/BillText/er/PDF>

House Bill 487 (Ch. 2019-77): Carrying of Firearms by Tactical Medical Professionals; Concealed Weapons; Law Enforcement Agencies; Firearms; Law Enforcement Officers; First Responders

This bill expressly authorizes a "tactical medical professional" (TMP) who has a concealed weapons and firearms license to carry firearms, weapons, and ammunition when he or she is actively operating in direct support of a tactical law enforcement operation. The bill requires a law enforcement agency head to have appointed the TMP, and to establish proper policies and procedures for these appointments. The bill also requires that the TMP have completed at least

two types of firearms training, one of which is provided by the agency. A TMP may carry a firearm in the same manner as a law enforcement officer and anywhere that a tactical law enforcement operation occurs. Additionally, a TMP has “the same immunities and privileges as a law enforcement officer . . . in a civil or criminal action arising out of a tactical law enforcement operation when acting within the scope of his or her official duties.” The bill defines a TMP as a paramedic, physician, or osteopathic physician who is appointed to provide medical support to a tactical law enforcement unit engaged in high-risk incidents, such as drugs raids and hostage situations.

Effective Date: July 1, 2019

<https://www.flsenate.gov/Session/Bill/2019/487/BillText/er/PDF>

House Bill 595 (Ch. 2019-81): Alcohol or Drug Overdose Prosecutions; Medical Emergencies; Alcohol; Controlled Substances; Crimes; Evidence

The bill creates F.S. 562.112, prohibiting the arrest, charge, prosecution, or penalization under specified provisions of a person acting in good faith who seeks medical assistance for an individual experiencing, or believed to be experiencing, an alcohol-related or a drug-related overdose, or a person who experiences, or has a good faith belief that he or she is experiencing, an alcohol-related or a drug-related overdose and is in need of medical assistance.

The bill prohibits the protection from arrest, charge, prosecution, or penalization for certain offenses from being grounds for suppression of evidence in other criminal prosecutions.

The bill amends F.S. 893.21, prohibiting the arrest, charging, prosecution, or penalizing under specified provisions of law of a person acting in good faith who seeks medical assistance for an individual experiencing, or believed to be experiencing, an alcohol-related or a drug related overdose; prohibiting the arrest, charging, prosecution, or penalizing under specified provisions of a person who experiences, or has a good faith belief that he or she is experiencing, an alcohol related or a drug-related overdose; prohibiting a person from being penalized for a violation of a condition of certain programs if that person in good faith seeks medical assistance for himself or herself or an individual experiencing, or believed to be experiencing, an alcohol-related or a drug-related overdose; prohibiting the protection from arrest, charge, and prosecution for certain offenses from being grounds for suppression of evidence in other criminal prosecutions.

Effective Date: July 1, 2019

<https://www.flsenate.gov/Session/Bill/2019/595/BillText/er/PDF>

House Bill 611 (Ch. 2019-125): Motor Vehicle Racing; Law Enforcement Officers; Crimes; Searches and Seizures

This bill amends F.S. 316.191 and F.S. 901.15 to allow an officer to make a warrantless arrest of a person if the officer has probable cause to believe he or she committed a misdemeanor racing offense. The bill removes the previous requirement that an officer, or fellow officer, either witness the offense and arrest immediately or in fresh pursuit, or secure an arrest warrant.

Effective Date: July 1, 2019

<https://www.flsenate.gov/Session/Bill/2019/611/BillText/er/PDF>

House Bill 725 (Ch. 2019-149): Commercial Motor Vehicles; Vehicles; Drivers Licenses

This bill provides that all owners and drivers of commercial buses, covered in F.S. 316.302, that are engaged in intrastate commerce are now subject to federal regulations enumerated in the provision. The bill also adds that a person who operates a commercial motor vehicle solely in intrastate commerce and who does not transport hazardous materials that require placarding need not comply with the requirements of electronic logging devices and hours of service supporting documents. The bill further alleviates a motor carrier's obligation to maintain documentation of a driver's driving times throughout their duty period, if a driver is not released from duty within 12 hours after they arrive for duty. The bill amends F.S. 316.515 so that automobile transporters operating within the section can backhaul cargo or general freight if the weight of the cargo does not exceed limits imposed under the provision of the statute; however, the load upon any stinger-steered vehicle transporter cannot extend more than four feet beyond the front bumper of the vehicle. F.S. 316.515 was also amended to permit an unladen power unit to tow two trailers or semitrailers, so long as it meets the specifications in the statutory provision.

Effective Date: October 1, 2019

<http://flsenate.gov/Session/Bill/2019/725/BillText/er/PDF>

Senate Bill 828 (Ch. 2019-50): Lewd and Lascivious Exhibition; Corrections Officers; Crimes; Local Government; Law Enforcement Agencies

This bill amends F.S. 800.09 by expanding prohibitions against lewd or lascivious exhibition in the presence of any person employed at or performing contractual services for a county detention facility. Previously, the law only prohibited this conduct in a state correctional institution or private correctional facility. The bill also mirrors the definition of a county detention facility to that found in F.S. 951.23, to include "a county jail, a county stockade, a county work camp, a county residential probation center, and any other place except a municipal detention facility used by a county or county officer for the detention of persons charged with or convicted of either felony or misdemeanor."

Effective Date: July 1, 2019

<http://www.flsenate.gov/Session/Bill/2019/828/BillText/er/PDF>

House Bill 829 (Ch. 2019-151): Attorney Fees and Costs; Litigation; Local Government

This bill amends the previous rule regarding attorney's fees and costs in Florida. The previous rule held that each party to a legal action was responsible to pay their own legal costs. This bill now allows attorney's fees and costs to be included as part of the award given to the prevailing party in any action involving challenges to proposed or adopted local government ordinances on subjects that are expressly preempted by the State Constitution or state law. The bill also provides an "escape clause" which protects the other party from the liability of the prevailing party's legal costs. The clause provides that, upon receiving a written claim that a current or proposed/noticed ordinance is expressly preempted, the local government must withdraw a proposed ordinance within 30 days or repeal an adopted ordinance within 60 days. The bill does not apply to ordinances in the fields of comprehensive planning and growth management, the Florida Building Code, and the Florida Fire Code. The bill otherwise applies to express preemption challenges initiated on or after July 1, 2019.

Effective Date: July 1, 2019

<http://flsenate.gov/Session/Bill/2019/829/BillText/er/PDF>

Senate Bill 838 (Ch. 2019-51): Public Records/Mental Health Treatment and Services; Clerk of Court; Department of Children and Families; Department of Corrections; Department of Law Enforcement

This bill provides that court records involving petitions for voluntary and involuntary admission for mental health treatment, court orders, and related records that are filed with the court are confidential and exempt from public record disclosure. Pleadings and other documents made confidential and exempt may be disclosed by the clerk of court to specific individuals named in the statute including the individuals involved in the petition, their attorneys, respondent's treating health care practitioner, Department of Children and Families, and the Department of Corrections. It also provides that a court may order release of the information to a person or entity authorized to view records upon a showing of good cause. The bill also provides that the clerk of court is not precluded from submitting required information to FDLE for firearm purchase review. The bill prohibits the clerk of court from publishing any personal identifying information on a court docket or in a publicly accessible file. The bill further requires that any person who receives confidential information from this section shall maintain those records as confidential and exempt from public records disclosure. This bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2024, unless reenacted by the Legislature.

Effective Date: July 1, 2019

<https://www.flsenate.gov/Session/Bill/2019/838/BillText/er/PDF>

House Bill 845 (Ch. 2019-39): Public Records/Petition for Certain Protective Injunctions

This bill amends F.S. 119.0714 which relates to public records for protective injunctions and related documents. The bill creates an exemption and confidentiality of public records for any information, which includes any affidavits, notice of hearings, and temporary injunctions, that can be used to identify a petitioner or respondent for an injunction against domestic violence, repeat violence, dating violence, sexual violence, stalking or cyberstalking until the respondent has been personally served with the petition for injunction, affidavits, notice of hearing and temporary injunction.

Effective Date: July 1, 2019

<http://flsenate.gov/Session/Bill/2019/845/BillText/er/PDF>

House Bill 851 (Ch. 2019-152): Human Trafficking; Department of Legal Affairs; Direct-Support Organizations; Statewide Council on Human Trafficking; Law Enforcement Officers; National Human Trafficking Resource Center; National Human Trafficking Hotline; Public Lodging Establishments; Massage Establishments; Board of Massage Therapy; Crimes; Adult Theaters; Soliciting for Prostitution Public Database; Clerk of Court; Office of Program Policy Analysis and Government Accountability; Evidence

This bill establishes a number of requirements related to human trafficking. Specifically, the bill requires the Department of Legal Affairs (DLA) to establish a direct-support organization (DSO) tasked with raising funds and providing support to the Statewide Council on Human Trafficking; requires the licensee or certificate holder of qualifying healthcare establishments to complete a 1-hour continuing education course on human trafficking; and requires each certified law enforcement officer to complete 4 hours of training in identifying and investigating human trafficking within 1 year after beginning employment.

By January 1, 2021, this bill requires certain entities to post in their place of work, in a conspicuous place accessible to employees, a sign that instructs a person to call the National Human Trafficking Resource Center if there is suspected prostitution or human trafficking activity; requires massage and public lodging establishments to establish processes for reporting suspected human trafficking to the National Human Trafficking Hotline; and requires a public lodging establishment to provide annual training regarding human trafficking awareness to certain employees, or within 60 days after a new employee begins employment.

This bill requires a massage establishment to have a designated establishment manager in order to obtain licensure and requires a massage establishment that is licensed before July 1, 2019, to identify a designated establishment manager by January 1, 2020, or be subject to a summary suspension. This bill requires the Board of Massage Therapy to revoke or suspend the license of a massage establishment or deny subsequent licensure to such an establishment if the establishment owner, the designated establishment manager, or any individual providing massage therapy service for the establishment has been subjected to criminal punishment for committing an act involving prostitution.

This bill expands the definition of an adult theater and provides that an owner, operator, or manager of an adult theater who knowingly violates the law relating to verifying the age and

identity of each of its employees or independent contractors commits a first degree misdemeanor.

This bill creates the Soliciting for Prostitution Public Database and requires the clerk of the court to forward the criminal history record of a person convicted of soliciting, inducing, enticing, or procuring another to commit prostitution, lewdness, or assignation, provided there is evidence that such person provided a form of payment or arranged for the payment of such services, to FDLE for inclusion in the public facing database. The bill provides for the automatic removal of the criminal history record of a person from the database if, after 5 years following the commission of an offense, such person has not subsequently committed a violation that meets such criteria or any other offense within that time that would constitute a sexual offense. Otherwise, the record shall not be removed from the database. The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall perform a study on the effectiveness of the database and submit their report by January 1, 2023.

Effective Date: July 1, 2019

<https://www.flsenate.gov/Session/Bill/2019/851/BillText/er/PDF>

Senate Bill 910 (Ch. 2019-61): Court-ordered Treatment Programs; Veterans; Veterans' Court

This bill expands the scope of persons authorized to participate in military veterans' and service members' court programs (veterans' courts). Prior to this bill, the only veterans eligible to participate in Florida's veterans' courts are honorably discharged veterans, generally discharged veterans, and active duty service members. Because of the success of the veterans' court programs in treating these individuals, this bill makes any veteran discharged or released under any condition eligible for veterans' courts. Additionally, this bill allows current and former United States defense contractors, and military members of a foreign allied country, to participate in veterans' courts.

Effective Date: October 1, 2019

<http://flsenate.gov/Session/Bill/2019/910/BillText/er/PDF>

Senate Bill 1020 (Ch. 2019-132): State Hemp Programs; Department of Agriculture and Consumer Services; Hemp; Cannabis; Controlled Substances; Colleges and Universities; Department of Health, Department of Business and Professional Regulation; Industrial Hemp Advisory Council

This bill creates F.S. 581.217, which provides for the creation of a state industrial hemp program by the Department of Agriculture and Consumer Services to create to supervise the cultivation of hemp. The bill also provides for licensure requirements, requiring licensees to use specified hemp seeds and cultivars, and provides requirements for the distribution and sale of hemp extract. The bill provides for violations and corrective measures, and provides for enforcement of the state hemp program. The bill directs the Department of Agriculture and Consumer Services, in consultation with the Department of Health and the Department of Business and Professional Regulation, to adopt specified rules. The bill also establishes an adjunct to the department, the Industrial Hemp Advisory Council; amending F.S. 22 893.02. The bill defines "Hemp" as the plant Cannabis and any part of that plant, including the seeds,

derivatives, extracts, etc. that has a total delta 9 tetrahydrocannabinol concentration below 0.3 percent of the dry-weight.

The bill revises F.S. 893.02 regarding the definition of "cannabis" to not include "hemp" or industrial hemp." The bill amends F.S. 1004.4473 by revising the colleges and universities which the department is required to authorize and oversee for the development of industrial hemp pilot projects and, removes a condition for the implementation of industrial hemp commercialization project.

Effective Date: July 1, 2019

<https://www.flsenate.gov/Session/Bill/2019/1020/BillText/er/PDF>

House Bill 1021 (Ch. 2019-91): DNA Database; Evidence; Warrants

This bill amends the Legislative Intent found in F.S. 943.325(1)(b), regarding the DNA Database statute. The bill adds language making it possible to use the match between casework evidence DNA samples from a criminal investigation and DNA samples from a state or federal DNA database to find probable cause to obtain a warrant for an offender's arrest. The bill specifically adds statutory authority to obtain a warrant for arrest in addition to the current statutory authority for a court to issue a warrant to obtain the DNA of an offender under the same circumstances.

Effective Date: July 1, 2019

<http://flsenate.gov/Session/Bill/2019/1021/BillText/er/PDF>

House Bill 1057 (Ch. 2019-92): Motor Vehicles; First Responders; Insurance Companies

Beginning October 1, 2019, this bill authorizes a driver of a motor vehicle to equip it with lights or devices on its undercarriage so long as such lights and devices comply with certain statutory requirements or prohibitions regarding lights on law enforcement vehicles, flashing lights, and multiple-beam road lighting equipment. Additionally, beginning on October 1, 2019, the bill permits volunteer fire fighters to use red or red and white lights on their vehicles in specific instances. Additionally, this bill amends the definition of "authorized emergency vehicle" to comport with the bill's amendments. Finally, effective July 1, 2019, the bill authorizes the insurance company to release a vehicle to the owner or lienholder.

Effective Date: July 1, 2019, and October 1, 2019

<http://flsenate.gov/Session/Bill/2019/1057/BillText/er/PDF>

Senate Bill 1080 (Ch. 2019-133): Hazing; Colleges and Universities; Crimes

This bill amends F.S. 1006.63 to expand the definition of hazing to include the initiation, admission, or affiliation into or with "any organization operating under the sanction of a postsecondary institution," or "the perpetration or furtherance of a tradition or ritual." The bill expands the felony in the third degree for hazing to include instances where the victim sustains a permanent injury. The bill provides that a person who is a former member of the organization

may also be a victim of hazing. The bill also authorizes a prosecution for hazing if a person either solicits others to haze, or alternatively if that person is actively involved in the planning of any act of hazing. The bill also creates several defenses to prosecution for hazing.

Effective Date: October 1, 2019

<http://flsenate.gov/Session/Bill/2019/1080/BillText/er/PDF>

Senate Bill 1136 (Ch. 2019-53): Cyberharassment; Sexual Cyberharassment; Personal Identifiable Information; Crimes

This bill amends F.S. 784.049, regarding sexual cyberharassment, to emphasize that people depicted in sexually explicit images may retain a reasonable expectation of privacy in such images even if they have been shared with another person. The bill amends the statute's definition of personal identification information, to include (but not limit it to) "any name, postal or electronic mail address, telephone number, social security number, date of birth, or any unique physical representation."

The bill extends the definition of "sexually cyberharass" to the publication of sexually explicit images of a person on an Internet website or through dissemination of images through electronic means. Previously, the statutory definition only addressed publication more generally.

Effective Date: July 1, 2019

<http://flsenate.gov/Session/Bill/2019/1136/BillText/er/PDF>

House Bill 1253 (Ch. 2019-127): Prescription Drug Monitoring Program; Electronic Health Recordkeeping System; Department of Health; Department of Legal Affairs; Evidence

This bill amends F.S. 893.055 and 893.0551 to define the term "electronic health recordkeeping system," and require the Department of Health to assign a unique identifying number for each patient for whom a record exists in the prescription drug monitoring program database (PDMP). The bill allows the Department of Health to provide to the Attorney General a patient's unique identifying number, year of birth, county, city, and zip code if the Attorney General is pursuing an active investigation or pending civil or criminal litigation, and if certain requirements are met.

The court must grant such a petition or motion when the information requested appears reasonably calculated to lead to the discovery of admissible evidence if additional requirements are met. The bill would allow the Attorney General to introduce information released pursuant to the above provisions as evidence in civil, criminal, or administrative actions against a dispenser, manufacturer, or a pharmacy. The PDMP program manager and authorized persons who participate in preparing, reviewing, issuing, or other activity related to the management of the system may be called to testify for the purposed of authenticating the record introduced. Finally, the bill establishes that its provisions are repealed on June 30, 2021, unless reviewed and saved from repeal by the Legislature.

Effective Date: July 1, 2019

<http://flsenate.gov/Session/Bill/2019/1253/BillText/er/PDF>

Senate Bill 1418 (Ch. 2019-134): Mental Health; Assessments; Department of Children and Families; Mental Health Service Providers; Law Enforcement Agencies; Duty to Warn

This bill amends the standards for a school to be considered a "Suicide Prevention Certified School" to promote the establishment of standardized suicide screening instrument that school-based mental health professionals or certified staff members would implement before initiating an involuntary examination. The bill also amends reporting requirements of receiving facilities to allow for five working days for the submission of certain forms to the Department of Children and Families.

The bill expands data gathered on involuntary examinations and requires the Department of Children and Families to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, every two years on its findings and recommendations related to involuntary examinations initiated on minors. The bill also obliges a mental health service provider to notify law enforcement of a potential threat when a patient communicates a specific threat against an identifiable individual to the provider. The bill requires that law enforcement notify the target of the threat presented. Finally, the bill provides immunity from civil and criminal liability to service providers acting in good faith when releasing such information.

Effective Date: July 1, 2019

<http://flsenate.gov/Session/Bill/2019/1418/BillText/er/PDF>

Senate Bill 1656 (Ch. 2019-63): Criminal Statutes; Abatement

This bill creates F.S. 775.022, which is a general savings provision for criminal statutes. The bill also provides that the reenactment or amendment of a criminal statute does not operate retroactively, and has no effect on the statute's prior operation. The bill provides the same assurances for prosecutions under a criminal statute, and prior penalties forfeitures, and prior punishments imposed under the statute. The bill provides certain exceptions to these provisions.

Effective Date: June 7, 2019

<http://flsenate.gov/Session/Bill/2019/1656/BillText/er/PDF>

Senate Bill 1666 (Ch. 2019-54): Vessels; Identification Cards; Fish and Wildlife Conservation Commission; Rural Areas of Opportunity; No-Discharge Zones

This bill amends several statutes. The bill amends F.S. 327.395 to require a person born on or after January 1, 1988, to have either a boater safety identification card or a temporary certificate before renting and operating a vessel with a 10 horsepower or higher engine or the electronic equivalent. The bill also establishes criteria for obtaining a temporary certificate. These identification cards and temporary certificates are permitted to be issued in digital, electronic, or paper formats. The bill permits the Fish and Wildlife Conservation Commission to appoint agents to provide education on the requirements for qualifying boating safety and temporary certificates.

The bill amends F.S. 327.4109 to define a long-term stored vessel as “a vessel on the waters of the state which is not under the supervision and control of a person capable of operating, maintaining, or moving it from one location to another and which has remained anchored or moored outside of a public mooring field for at least 30 days out of a 60-day period.” The bill also amends F.S. 327.60 to authorize “rural areas of opportunity” counties to create “no-discharge zones” in freshwater bodies of water, prohibiting certain vessels from taking specified actions. Certain vessels within a no-discharge zone must keep sewage discharges onboard, to later be discharged at sea or onshore at a specified facility. Violation of these provisions may incur a civil penalty and a declaration that the vessel or floating structure is a nuisance and hazard to public safety and health.

Finally, the bill amends F.S. 823.11 to prohibit a person who leaves or abandons a vessel determined to be derelict through an administrative or criminal proceeding and who has been charged for a violation of F.S. 823.11(2) or a violation of F.S. 376.15(2) from residing or dwelling on the vessel until it is permanently removed from state waters or returned in a condition that is no longer derelict.

Effective Date: July 1, 2019

<http://www.flsenate.gov/Session/Bill/2019/1666/BillText/er/PDF>

House Bill 5401 (Ch. 2019-141): Department of Environmental Protection; Florida Fish and Wildlife Conservation Commission; Department of Environmental Protection; Disasters; Law Enforcement Officers

This bill provides that a memorandum be drafted between the Florida Fish and Wildlife Conservation Commission and the Department of Environmental Protection detailing their responsibilities during environmental and natural disasters, their responsibilities patrolling and investigating offenses committed on all state-owned lands managed by the Department of Environmental Protection, and other issues. After the memorandum is completed the statute provides for the transfer of law enforcement authority from FFWCC to the Division of Law Enforcement within the Department of Environmental Protection, however the Florida Fish and Wildlife Conservation Commission will still maintain law enforcement authority to patrol state-owned lands managed by the Department of Environmental Protection. Furthermore, so long as they meet the requirements under F.S. 943.13, law enforcement officers from the Department of Environmental Protection shall have the power to investigate and arrest for any violation of state law, and rules promulgated by the Board of Trustees of the Internal Improvement Trust Fund.

Effective Date: July 1, 2019

<http://flsenate.gov/Session/Bill/2019/5401/BillText/er/PDF>

Senate Bill 7012 (Ch. 2019-14): Vaping; Public Establishments; Public Lodging

This bill bans vaping, or the use of vapor-generating electronic devices like e-cigarettes, in enclosed indoor workplaces, as required by Amendment 9 to the Florida Constitution from the 2018 election. This bill provides an exception for the use of vaping devices in retail vape shops. This bill also allows vaping at those locations already authorized to permit tobacco smoking. Finally, this bill allows local governments to implement more restrictive local ordinances on vaping.

Effective Date: July 1, 2019

<http://flsenate.gov/Session/Bill/2019/7012/BillText/er/PDF>

Senate Bill 7030 (Ch. 2019-22): Implementation of the Legislative Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission; School Safety; Coach Aaron Feis Guardian Program; Department of Law Enforcement; Local Government; Sheriffs; Department of Education; Office of Safe Schools; Threat Assessments; Florida Safe Schools Assessment Tool; Crimes; FortifyFL; Active Assailant Response Plans; Student Records

This bill takes steps to implement recommendations made by the Marjory Stoneman Douglas High School Public Safety Commission's initial report, which was submitted in January 2019. The bill amends F.S. 30.15 to require sheriffs to establish a guardian program if a local school board votes for the implementation of such a program. Alternatively, the bill allows for a sheriff to contract with another sheriff's office that has already established a guardian program for training purposes.

The bill allows persons who exclusively perform classroom duties as a teacher to serve as guardians, and also defines the categories of persons who may serve as guardians. The bill clarifies the sheriff's obligations in regard to a guardian program, to include consulting FDLE on such matters as programmatic guiding principles, practices, and resources. FDLE, in turn, is required to consult with sheriffs on the implementation of the Coach Aaron Feis Guardian Program upon request.

The bill also expands the category of persons who may serve as a school district's school safety specialist, including law enforcement officers employed by the local sheriff's office.

The bill amends F.S. 843.08 to expand the criminalization of false personation of law enforcement officers to also include the false personation of a school guardian. False personation of a school guardian is a third degree felony, unless it is done during the commission of felony, in which case it becomes a second degree felony offense. If the felony offense results in the death or personal injury of another, the offense becomes a first degree felony.

The bill also requires that the Florida Safe Schools Assessment Tool (FSSAT) serves as the primary physical site security assessment tool used by school officials. School safety specialists are required to annually conduct a school security risk assessment in coordination with appropriate public safety agencies using the FSSAT. Such assessments must be completed and submitted to the Department of Education annually by October 1st. The bill provides for numerous requirements of the Department of Education regarding developing school hardening

recommendations and policies. Additionally, the bill requires that school districts promote the FortifyFL suspicious activity reporting tool on their websites, campuses, newsletters, and install the tool on all mobile devices and bookmark the tool on all student-issued computers.

The bill further emphasized the importance of information sharing, and amended requirements for the creation of the Department of Education's centralized data repository. The bill requires that access to data is consistent with each agency's data requirements, to include the FBI's CJIS Security Policy.

The bill requires each school district to develop and practice annually an active assailant response plan. Such plans must be adopted by October 1, 2019 and annually thereafter. All school personnel must annually receive training on the plan. The bill also requires the Department of Education's Office of Safe Schools to develop a statewide threat assessment database for use in school-based threat assessments. The bill provides for additional requirements for the Office of Safe Schools to develop recommendations related to school threat assessments. Finally, the bill provides that student records must be transferred within three days when a student transfers schools and outlines what records must be transferred.

Effective Date: May 8, 2019

<http://flsenate.gov/Session/Bill/2019/7030/BillText/er/PDF>

Senate Bill 7034 (Ch. 2019-16): OGSR/Automated License Plate Recognition System; Automated License Plate Readers; Public Records

This bill continues the previous public record exemption from F.S. 316.0777, which holds images and data with personal identification information obtained through the use of an automated license plate recognition system to be confidential and exempt from F.S. 119.07(1) and Section 24(a), Art. I of the State Constitution. The amendment removed the Open Government Sunset Review Act that would repeal F.S. 316.0777 without legislative reenactment.

Effective Date: October 1, 2019

<http://flsenate.gov/Session/Bill/2019/7034/BillText/er/PDF>

House Bill 7057 (Ch. 2019-113): Corrections; Critical Infrastructure Facilities; Drones; Corrections Officers; Department of Corrections

This bill amends various statutes to address security and staffing concerns found within critical infrastructure facilities. The bill prohibits the use of drones over, within a distance of, or to make contact with a critical infrastructure facility. The bill adds several places to the definition of critical infrastructure facility, to include state correctional institutions, private correctional facilities, secure juvenile detention centers or facilities, non-secure, high-risk, or maximum-risk residential facilities, and county detention facilities. The bill also lowers the minimum age for employment as a full-time, part-time, or auxiliary correctional officer from 19 years of age to 18 years of age. The bill reenacts a number of sections relating to employment qualifications for certain officers to incorporate the changes made to F.S. 943.13.

Effective Date: July 1, 2019

<http://flsenate.gov/Session/Bill/2019/7057/BillText/er/PDF>

House Bill 7081 (Ch. 2019-98): State Court System Administration; Fingerprinting

The bill amends several statutes relating to the administration of the state court system. The bill addresses foreign language court interpreters and mediators, parenting coordination, judicial retirements, and electronic records and fingerprinting. The bill provides that fingerprints may be taken electronically for certain criminal judgments, to include felonies, petit thefts, and prostitution cases.

Effective Date: July 1, 2019

<https://www.flsenate.gov/Session/Bill/2019/7081/BillText/er/PDF>

Senate Bill 7098 (Ch. 2019-24): Death Benefits; First Responders; Florida National Guard; Military Service Members; Law Enforcement Officers

The bill requires the payment of death benefits to the survivors of specified first responders, Florida National Guard members, and members of the United States Armed Forces, as required in Amendment 7 to the Florida Constitution from the 2018 vote. The bill expands the death benefits granted for Florida National Guard members on state active duty, firefighters, as well as law enforcement, correctional, and correctional probation officers. The bill specifies the amount of benefits to be granted.

Effective Date: July 1, 2019

<https://www.flsenate.gov/Session/Bill/2019/7098/BillText/er/PDF>

House Bill 7107 (Ch. 2019-166): Controlled Substances; Cannabidiol; Cannabis

This bill amends F.S. 893.03, Florida's controlled substance schedules, to reschedule "[a] drug product in finished dosage formulation which has been approved by the U. S. Food and Drug Administration and which contains cannabidiol (2-[1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis and not more than 0.1 percent (w/w) residual tetrahydrocannabinols" from Schedule I to Schedule V.

Effective Date: June 28, 2019

<http://flsenate.gov/Session/Bill/2019/7107/BillText/er/PDF>

House Bill 7125 (Ch. 2019-167): Administration of Justice; State Agencies; Local Government; Clerk of Court; Law Enforcement Agencies; Criminal Justice Agencies; Sealing and Expungements; Crimes; Department of Law Enforcement; Criminal and Juvenile Justice Information Systems Council; Law Enforcement Officers; Concealed Weapons; Criminal Justice Standards and Training Commission

This 289-page bill provides for several amendments to criminal justice statutes. The bill prohibits disclosure of specified Crime Stoppers information and expands the use of Crime Stoppers grant funds. The bill expands inmate reentry programming and revises probation violations. Revisions also include raising felony thresholds for certain offenses, including theft (raised to \$750). The bill also raises the threshold for the offense of Obtaining Food or Lodging with Intent to Defraud from \$300 to \$1,000. Also included in the legislation are revisions regarding driver license suspensions and revocations. The bill raises the threshold amounts for trafficking in hydrocodone, with the base amount being raised from 14 grams to 28 grams. The bill also revises the elements and penalties for several offenses, including cybercrimes, escape, possessing a counterfeit instrument, and introduction of contraband into a county detention facility. Of note, this bill creates F.S. 943.0578, moving the lawful self-defense expunction from F.S. 943.0585. The bill adds several crimes to the current list of crimes as being ineligible for sealing or expungement if the record is a conviction or withheld adjudication for murder, manslaughter or homicide, felony battery and domestic battery by strangulation, false imprisonment, video voyeurism, and robbery by sudden snatching. The bill amends F.S. 943.0585 and 943.059, governing court-ordered sealing and expunction, by reorganizing their provisions, adding new procedural and substantive requirements and deleting some found in current law. Under the bill, a previous conviction in another state will no longer render an applicant ineligible for a seal or expunction of a Florida record. Similarly, a prior Florida conviction of a "comparable ordinance violation" will no longer be disqualifying. The bill also creates F.S. 943.0595 regarding the automatic sealing of criminal history records. FDLE must automatically seal a criminal history record when charges were not filed, dismissed (unless the dismissal was due to incompetency to proceed), or the defendant was acquitted by either a verdict of not guilty or a judgment of acquittal. Criminal justice agencies and the courts are not required to seal their records as a result of automatic sealing. Prosecutors, criminal justice agencies, and judges retain access to an automatically sealed FDLE record. For the subject of the record, the sealing has the same effect as a court-ordered sealing under F.S. 943.059.

The bill revises and outlines data required to be collected and reported to FDLE by specified entities, requires the FDLE to publish data received from reporting agencies by a specified date, imposes penalties on reporting agencies for noncompliance with data reporting requirements, and declares information that is confidential and exempt upon collection by reporting agency to remain confidential and exempt when reported to FDLE.

The bill requires the FDLE, in conjunction with the Criminal and Juvenile Justice Information Systems Council (CJJIS Council), to develop specifications by October 1, 2019 for a:

- Uniform arrest affidavit to be use by each state, county, and municipal law enforcement agency to report data from each criminal offense arrest;
- Guidelines for a uniform criminal charge and disposition statute crosswalk table to be used by each law enforcement agency, state attorney, and jail administrator; and
- Guidelines for a uniform criminal disposition and sentencing statute crosswalk table to be used by each clerk of court.

Additionally, the bill requires FDLE, by January 1, 2020 and subject to appropriation, to procure a uniform arrest affidavit, a uniform criminal charge and disposition statute crosswalk table, and a uniform criminal disposition and sentencing statute crosswalk table. FDLE will provide training on the use of the affidavit and crosswalk tables to each state, county, and municipal law enforcement agency, clerk of court, state attorney, and jail administrator. The bill requires by July 1, 2020, each state, county, and municipal law enforcement agency to use the uniform arrest affidavit, each state attorney and jail administrator must use the uniform criminal charge and statute crosswalk table. Each clerk of court must use the uniform disposition and sentencing statute crosswalk table.

The bill also provides that any person who holds an active certification from the Criminal Justice Standards and Training Commission and is employed as a full-time, part-time or auxiliary law enforcement or corrections officer meets the definition of a qualified law enforcement officer for the purposes of the Law Enforcement Officers Safety Act (LEOSA), and is authorized to carry a concealed firearm during off-duty hours in any state. The bill provides that a person who held an active certification from the Criminal Justice Standards and Training Commission while employed as a full-time, part-time, or auxiliary law enforcement or correctional officer and separated from employment consistent with the provisions in LEOSA meets the definition of a qualified retired law enforcement officer.

Effective Date: October 1, 2019

<http://flsenate.gov/Session/Bill/2019/7125/BillText/er/PDF>

**Bills of Interest to Florida Law Enforcement Passed in the 2019 Legislative Session
Arranged by Effective Date**

<u>Effective Date</u>	<u>Chapter Number</u>	<u>Bill Number</u>	<u>Subject</u>
March 18, 2019	2019-1	SB 182	Medical Use of Marijuana
April 26, 2019	2019-10	SB 124	Dependent Children
May 8, 2019	2019-22	SB 7030	Implementation of the Legislative Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission
May 23, 2019	2019-46	SB 186	Public Records/Victims of Mass Violence
June 7, 2019	2019-63	SB 1656	Criminal Statutes
June 18, 2019	2019-109	HB 453	Micromobility Devices
June 28, 2019	2019-166	HB 7107	Controlled Substances
July 1, 2019	2019-65	HB 49	Incarcerated Women
July 1, 2019	2019-44	HB 107	Wireless Communications While Driving
July 1, 2019	2019-6	SB 180	Lost or Abandoned Personal Property
July 1, 2019	2019-12	SB 248	Public Records/ Civilian Personnel Employed by a Law Enforcement Agency
July 1, 2019	2019-101	HB 311	Autonomous Vehicles
July 1, 2019	2019-49	SB 318	Public Records/Child Abuse, Abandonment, or Neglect
July 1, 2019	2019-37	HB 327	Public Meetings/Public Records/Local Government Utilities
July 1, 2019	2019-69	HB 341	Motor Vehicles and Railroad Trains
July 1, 2019	xx	HB 385	Transportation
July 1, 2019	2019-146	HB 441	E911 Systems
July 1, 2019	2019-77	HB 487	Carrying of Firearms by Tactical Medical Professionals
July 1, 2019	2019-81	HB 595	Alcohol or Drug Overdose Prosecutions
July 1, 2019	2019-125	HB 611	Motor Vehicle Racing
July 1, 2019	2019-50	SB 828	Lewd and Lascivious Exhibition
July 1, 2019	2019-151	HB 829	Attorney Fees and Cost
July 1, 2019	2019-51	SB 838	Public Records/Mental Health Treatment and Services
July 1, 2019	2019-39	HB 845	Public Records/Petition for Certain Protective Injunctions
July 1, 2019	2019-152	HB 851	Human Trafficking
July 1, 2019	2019-132	SB 1020	State Hemp Programs

July 1, 2019	2019-91	HB 1021	DNA Database
July 1, 2019	2019-53	SB 1136	Cyberharassment
July 1, 2019	2019-127	HB 1253	Prescription Drug Monitoring Program
July 1, 2019	2019-134	SB 1418	Mental Health
July 1, 2019	2019-54	SB 1666	Vessels
July 1, 2019	2019-141	HB 5401	Department of Environmental Protection
July 1, 2019	2019-14	SB 7012	Vaping
July 1, 2019	2019-113	HB 7057	Corrections
July 1, 2019	2019-98	HB 7081	State Court System Administration
July 1, 2019	2019-24	SB 7098	Death Benefits
July 1, 2019/October 1, 2019	2019-102	SB 168	Federal Immigration Enforcement
July 1, 2019/October 1, 2019	2019-92	HB 1057	Motor Vehicles
October 1, 2019	2019-45	SB 160	Prohibited Acts in Connection with Obscene or Lewd Materials
October 1, 2019	2019-149	HB 725	Commercial Motor Vehicles
October 1, 2019	2019-61	SB 910	Court-ordered Treatment Programs
October 1, 2019	2019-133	SB 1080	Hazing
October 1, 2019	2019-16	SB 7034	OGSR/Automated License Plate Recognition System
October 1, 2019	2019-167	HB 7125	Administration of Justice
October 1, 2019	2019-9	SB 96	Police, Fire, and Search and Rescue Dogs and Police Horses
October 1, 2019	2019-145	HB 427	Honor and Remember Flag

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