

September 23, 2022

TO: Colonel Gene Spaulding, Florida Highway Patrol
Head of City, County and State Traffic Enforcement Agencies
County Court Judges
State Attorneys
Clerks of the Court
Tax Collectors
Florida Association of Counties
Florida League of Cities

FROM: Kevin Jacobs
Legislative Affairs Director

SUBJECT: **2022 Legislation Affecting Traffic and Motor Vehicle Law**

The following memorandum is a courtesy summary of the legislative changes relevant to the department and its stakeholders enacted during the 2022 Legislative Session. **The Department of Highway Safety and Motor Vehicles (FLHSMV) respectfully recommends that your agency carefully review the complete version of any statutory changes prior to revising any policies or operational protocols.**

Bills may be obtained from the Department of State, the distribution offices of the Florida House and Senate, or Florida Legislature official website at www.leg.state.fl.us. Links to Chapter Law are provided embedded in the document but are not maintained by FLHSMV. Please do not hesitate to contact FLHSMV, Office of Legislative Affairs at 850-617-3195, or email LADhelp@flhsmv.gov if you need additional assistance.

Cc:
FHP Command Staff
Florida Police Chiefs Association
Florida Sheriffs Association
Chief Cabinet Aides

The following bills became effective upon becoming law:

[Ch. 073 “Elections Administration” \(SB 524 – Hutson\)](#)

Florida Statutes, Chapters: 15, 16, 97, 98, 100, 101, 102, 104, 124, 921

- Creates a new election security office in the Department of State (Department) to investigate violations of election laws and rules;
- Limits governor-appointed special officers to FDLE officers, with at least one per FDLE region;
- Clarifies that special officers are not permitted in polling locations without consent of election officials;
- Imposes criminal penalties on persons with access to certain information during election canvassing who release votes cast or other election results early;
- Reclassifies three election related misdemeanors to felonies;
- Increases the aggregate fine that may be levied in a year against third-party voter registration organizations for violations relating to mishandling registration applications;
- Requires inactive voters to confirm residence address when appearing to vote;
- Increases the information provided to officials to confirm voter eligibility;
- Expands time allowed for mail voting and canvassing in local mail ballot referendum elections; and
- Requires certain county commissioners elected in single member districts to run for re-election following decennial redistricting.

Effective Date 04/24/2022 except as otherwise specifically provided

[Ch. 149 “Code and Traffic Enforcement” \(HB 1435 – Leek\)](#)

Florida Statutes, Chapter 316

Authorizes the sheriff or chief administrative officer of a county or municipality to designate an area as a special event zone in response to a special event, defined as an unpermitted activity or event organized or promoted via a social media platform which is attended by 50 or more persons and substantially increases or disrupts the normal flow of traffic on a roadway, street, or highway. The bill:

- Provides notice requirements for a special event zone and requires a specified warning sign to be posted at each point of ingress and egress at least 24 hours prior to enforcement;
- Doubles the statutory fine for any noncriminal traffic infraction that occurs within a special event zone;
- Allows a law enforcement officer to impound a vehicle for up to 72 hours for any criminal traffic violation or noncriminal traffic infraction that occurs in a special event zone, but requires the vehicle to be released immediately upon payment of any impoundment costs or fees;
- Authorizes a law enforcement officer to enforce occupancy limits in a special event zone;

The bill also amends s. 316.3045, F.S., which prohibits excessive noise emanating from a motor vehicle, by removing the portion of statute which the Florida Supreme Court deemed invalid in 2012. Additionally, the bill updates the types of sound making devices that are subject to such noise limitations and authorizes a local authority to impose more stringent regulations than those currently provided in statute.

Effective Date 05/26/2022

[Ch. 163 “The Judicial Branch” \(HB 7027 – Gregory\)](#)

Florida Statutes, Chapters: 27, 34, 35, 440

Creates a sixth appellate district court of appeal, which will have its headquarters in Polk County, Florida and relocates the headquarters for the Second DCA to Pinellas County, Florida. The bill

realigns the judicial circuits within the existing First, Second, and Fifth districts and creates a sixth district composed of the Ninth, Tenth, and Twentieth circuits. The Third and Fourth districts remain unchanged. Under the bill, the First DCA will decrease from 15 appellate judges to 13; the Second DCA will decrease from 16 appellate judges to 15; the Fifth DCA will increase from 11 appellate judges to 12; and the Sixth DCA will have 9 appellate judges. The bill ultimately adds a total of seven new appellate judgeships overall, in accordance with the Supreme Court's certification. The creation of the Sixth DCA and the realignment of existing districts is effective January 1, 2023.

Makes conforming changes to account for the creation of the new district and provides for the realignment of the geographic regions of the appellate public defender and the Criminal Conflict and Civil Regional Counsel. The bill also generally requires the Governor to recommission each judge whose district was realigned. To ensure compliance with residency requirements for members of each judicial nominating commission, the bill terminates the terms of all members of the judicial nominating commissions of the First, Second, and Fifth DCAs.

The bill adds one additional county court judgeship in Lake County, Florida, as recommended in the Supreme Court's certification.

Effective Date 6/2/2022

[Ch. 169 "Fraud Prevention" \(HB 749 – Clemons\)](#)

Florida Statutes, Chapters: 324, 501, 626, 633, 634, 775, 817

The bill requires by July 1, 2023, that, in addition to driver licenses and identification cards, the mobile driver license (Florida Smart ID) must display vehicle registration and insurance information, provide a driver with notification of any lapse in insurance coverage needed to meet financial responsibility requirements, and allow the driver to update policy information in the system. The bill also requires FLHSMV to provide the Legislature with recommendations by October 1, 2023, regarding electronic verification of drivers' compliance with financial responsibility laws.

Effective Date 06/03/2022

[Ch. 189 "Specialty License Plates" \(SB 364 – Garrison\)](#)

Florida Statutes, Chapter 320

- Creates eight new specialty license plates with an annual use fee of \$25: Inter Miami CF, Safe Haven for Newborns, Pap Corps Champions for Cancer Research, Learn to Fly, Florida Swims, Down Syndrome Awareness, Gopher Tortoise, and Take Stock in Children;
- Makes the existing Blue Angels specialty license plate available for motorcycles, with the annual use fees to be used in the same manner as fees from the existing Blue Angels license plate;
- Amends the authorized distribution of proceeds from the existing Live the Dream specialty license plate;
- Reduces the presale requirement for out-of-state college and university specialty license plates from 4,000 presale vouchers to 3,000 presale vouchers, consistent with the presale requirements for all other specialty license plates;
- Extends the presale period by 24 months for specialty license plates currently in presale;
- Reduces the cap on the number of specialty license plates that FLHSMV may issue from 150 plates to 135 plates.

Effective Date: 06/15/2022 except as otherwise provided

[Ch. 193 “Immigration Enforcement” \(SB 1808 – Bean\)](#)

Florida Statutes, Chapters: 900 & 908

Provides for enhanced cooperation between law enforcement agencies and United States Immigration and Customs Enforcement (ICE), adds data collection requirements in criminal cases relating to immigration status, and creates contracting requirements for governmental entities. Under the bill, an “unauthorized alien” is a person who is unlawfully present in the United States according to the terms of the Immigration and Nationality Act, 8 U.S.C. ss. 1101 et seq. The bill requires the term “unauthorized alien” to be interpreted consistently with any applicable federal statutes, rules, or regulations

Specifically, the bill:

- Amends the definition of “sanctuary policy” to prohibit any policy adopted or allowed by a state or local government that impedes or prohibits a law enforcement agency from providing information to a state entity on the immigration status of an inmate or detainee in the custody of the law enforcement agency.
- Requires each law enforcement agency that operates a county detention facility to enter into a written agreement with ICE, by January 1, 2023, to participate in the 287(g) program, in which ICE trains local law enforcement officers to perform specified immigration enforcement functions.
- Prohibits a state, regional, or local governmental entity from entering into, amending, or renewing a contract, including a grant agreement or economic incentive program payment agreement, with a common carrier or contracted carrier if the carrier is willfully providing any service in furtherance of transporting a person into Florida knowing that the person is an unauthorized alien, except to facilitate the detention of the person, or the removal or departure of the person from Florida or the United States.
- Expands criminal justice data collection and reporting requirements by requiring clerks of the court, county detention facilities, and the Department of Corrections (DOC) to record the immigration status of a defendant, inmate, or person under supervision on probation or community control.

Effective Date 06/17/2022

The following bills take effect July 1, 2022:

[Ch. 023 “Law Enforcement” \(HB 3 – Leek\)](#)

Florida Statutes, Chapters: 145, 409, 445, 683, 943, 1002, 1003, 1004, 1009

Provides law enforcement agencies with additional tools to bolster the recruitment and retention of qualified officers by providing financial incentives, enhanced training, expanded educational opportunities, and recognition that honors law enforcement officers’ service to the state of Florida.

- Creates the Florida Law Enforcement Recruitment Bonus Program to provide one-time bonus payments of up to \$5,000 to newly employed law enforcement officers in Florida;
- Creates the Florida Law Enforcement Academy Scholarship Program to cover tuition, fees, and up to \$1,000 of eligible education expenses for trainees enrolled in a law enforcement officer basic recruit training program;
- Creates a reimbursement program to pay for up to \$1,000 of equivalency training costs for certified law enforcement officers who relocate to Florida or members of the special operations forces who become full-time law enforcement officers in Florida;

- Provides law enforcement officers who adopt a child from within the state child welfare system with a \$25,000 benefit for adopting a child with special needs or a \$10,000 benefit for adopting a child without special needs;
- Makes dependent children of law enforcement officers eligible to receive a Family Empowerment Scholarship to attend a private school;
- Increases the base salary for each county sheriff by \$5,000;
- Clarifies that a sheriff may transfer funds between fund and functional categories and object and sub-object code levels after his or her budget has been approved by the board of county commissioners or budget commission;
- Exempts veterans and applicants with an associate degree or higher from taking the basic skills test as a prerequisite to entering a law enforcement officer basic recruit training program;
- Requires the Criminal Justice Standards and Training Commission to develop, and law enforcement officers to receive as part of their initial certification training and continued employment training, training in health and wellness principles;
- Allows law enforcement officers or former law enforcement officers to receive postsecondary credit at Florida public postsecondary educational institutions for training and experience acquired while serving;
- Encourages each district school board to establish public safety telecommunication training programs and law enforcement explorer programs in public schools; and
- Designates May 1 of each year as “Law Enforcement Appreciation Day.”

[Ch. 028 “Drug-related Overdose Prevention” \(SB 544 – Boyd\)](#)

Florida Statutes, Chapters: 381, 395, 1002

Allows a pharmacist to order and dispense an emergency opioid antagonist to a patient or caregiver without a prescription or a non-patient specific standing order. The bill expressly authorizes personnel of a law enforcement agency or other agency, including correctional probation officers and child protective investigators, to possess, store, and administer emergency opioid antagonists and shields such personnel from civil or criminal liability. It also expressly authorizes public schools to purchase opioid antagonists from a wholesale distributor or to enter into an arrangement with a wholesale distributor to purchase opioid antagonists at a reduced price. The bill requires school districts to store opioid antagonists in a secure location on the school’s premises.

The bill reiterates current law providing civil liability immunity to any person who acts in good faith and uses reasonable care when administering an emergency opioid antagonist, but expressly references school district employees administering antagonists to students.

[Ch. 036 “Mental Health and Substance Abuse” \(SB 1262 – Burgess\)](#)

Florida Statutes, Chapters: 119, 394, 397, 409, 744

Makes several changes to Baker Act involuntary examination procedures within a receiving facility.

- Requires a qualified professional to make the determination to restrict patient communication with people outside a facility and document the restrictions within 24 hours.
- Requires facilities to review a patient’s communication restrictions every three days, instead of weekly.
- Requires certain discharge planning and procedures when a patient’s 72-hour examination period ends on a weekend or holiday.
- Allows psychiatric nurses to release patients from involuntary exams when practicing in nationally accredited community mental health centers, under certain conditions.

Requires receiving facilities and service providers to provide individuals the option to authorize the release of their clinical records.

Grants the Commission on Mental Health and Substance Abuse access to any information or records necessary to carry out its duties, including confidential and exempt records held by state agencies.

Adds to the incident report, emergency contact information for the person that is readily accessible to the law enforcement officer and creates an exception to the current confidentiality requirements for the use of that information, for that purpose. This exception also permits a receiving facility, hospital or licensed detoxification or addictions receiving facility to use such information for the sole purpose of informing a patient's emergency contacts of the patient's whereabouts.

[Ch. 041 "Mental Health and Substance Abuse" \(SB 1844 – Bean\)](#)

Florida Statutes, Chapters: 394 & 397

Revises the Baker Act to allow a minor's voluntary admission after a clinical review of the minor's assent, rather than a hearing on the minor's consent, has been conducted. The bill also requires that a clinical review be held to verify the minor's assent is uncoerced before a minor patient's status is transferred from involuntary to voluntary.

Additionally, the bill requires law enforcement officers transporting an individual under the Baker and Marchman Acts to restrain the individual in the least restrictive manner available and appropriate under the circumstances.

[Ch. 051 "Telecommunicator Cardiopulmonary Resuscitation" \(HB 593 – McClure\)](#)

Florida Statutes, Chapter 401

Requires a 911 public safety telecommunicator to complete biennial CPR training in order to have their certification renewed. The bill also authorizes certain public safety agencies to enter into a reciprocal agreement with another public safety agency to provide telephonic assistance in administering CPR, including a fire department, law enforcement department, or other emergency medical service that receives or dispatches calls for emergency medical conditions.

[Ch. 091 "Motor Vehicle Insurance" \(SB 266 – Diaz\)](#)

Florida Statutes, Chapter 627

Requires an employing agency operating a vehicle take-home program to maintain motor vehicle insurance covering the time a law enforcement officer spends going to or coming from work or any other agency assignment in an official law enforcement vehicle. Such motor vehicle insurance is not required to provide for coverage if the officer makes a distinct deviation for a nonessential personal errand unless permitted to do so by a collective bargaining agreement; or acts in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. Employing agencies may be self-insured, enter into risk management programs, or purchase liability insurance in order to satisfy the bill's requirements.

[Ch. 093 "Recreational Off-highway Vehicles" \(SB 474 – Perry\)](#)

Florida Statutes, Chapters: 261 & 317

Increases the dry weight allowed for recreational off-highway vehicles from 2,500 pounds to 3,500 pounds.

[Ch. 098 “Transportation Facility Designations” \(SB 160 – Harrell\)](#)

Creates 26 designations for various transportation facilities across the state and directs the Florida Department of Transportation to erect suitable markers for each designation.

[Ch. 106 “Victims of Crimes” \(SB 1012 – Burgess\)](#)

Florida Statutes, Chapters: 960 & 985

Requires a law enforcement agency to inform a victim of the right to employ private counsel. The bill also encourages the Florida Bar to develop a registry of attorneys who are willing to provide legal counsel to victims pro bono.

Provides that a victim, upon request, has the right to be informed, to be present, and to be heard at all stages of a criminal or juvenile proceeding. The bill also amends provisions of the verbal notice that a court must provide to crime victims in s. 960.0021, F.S., to reflect the amendments to the Florida Constitution and statute.

[Ch. 111 “Juvenile Diversion Program Expunction” \(HB 195 – Smith \(D\)\)](#)

Florida Statutes, Chapters: 943 & 985

Requires the Florida Department of Law Enforcement to expunge a juvenile’s nonjudicial arrest record following his or her successful completion of a diversion program for any offense that is not a forcible felony or a felony involving the manufacture, sale, purchase, transport, possession, or use of a firearm or weapon, rather than only a misdemeanor. A juvenile seeking to have his or her nonjudicial arrest record expunged must still submit certification from the state attorney that he or she meets the qualifications for expunction. The decision to refer a juvenile to a diversion program remains at the discretion of either the law enforcement officer who interacts with the juvenile at the time of the offense or the state attorney assigned to the case. A child who is excluded from eligibility for a diversion program expunction may still qualify for court-ordered expunction or sealing if he or she is otherwise eligible for such sealing or expunction.

Under the bill, a juvenile who successfully completes a diversion program for a qualifying offense, rather than only a first-time misdemeanor, and who is granted an expunction, may lawfully deny or fail to acknowledge his or her participation in a diversion program and the expunction of a nonjudicial arrest record, except when the inquiry is made by a criminal justice agency for specified purposes.

[Ch. 114 “Officer and Firefighter Physical Examination Requirements and Records” \(HB 453 – Byrd\)](#)

Florida Statutes, Chapters: 112 & 943

Requires the employing agency of a law enforcement, correctional, or correctional probation officer to maintain records of an employee’s pre-employment physical examination for at least 5 years after the officer separates from the employing agency. The 5-year records retention requirement also applies to firefighters who took a pre-employment physical upon employment with the employing fire service provider. If the employing agency fails to maintain a record of the pre-employment physical, the officer or firefighter is entitled to the presumption that his or her disability due to tuberculosis, heart disease, or hypertension is compensable as an occupational disease under workers’ compensation law.

For firefighters who did not undergo a pre-employment physical for the current employer, the firefighter may support a claim for benefits by using the medical exam required to enroll in training and become certified as a firefighter and may be eligible for the presumption so long as the medical exam failed to reveal any evidence of tuberculosis, heart disease, or hypertension.

[Ch. 128 “Commercial Motor Vehicle Registration” \(HB 915 – Melo\)](#)

Florida Statutes, Chapter 320

Beginning July 1, 2024, FLHSMV will issue a license plate valid for three years to vehicles registered under the International Registration Plan. At the end of the three-year period, the plate must be replaced upon renewal. Each license plate must include a validation sticker reflecting the month that the plate expires. Allows for FLHSMV to replace a damaged or worn license plate at no cost to an applicant surrendering the current license plate.

[Ch. 159 “State-administered Retirement Systems” \(HB 5007 – Trumbull\)](#)

Florida Statutes, Chapter 121

Modifies the Deferred Retirement Option Program (DROP) to allow a member of the Special Risk Class who is a law enforcement officer and who is a DROP participant on or after July 1, 2022, to participate for up to 36 calendar months beyond the 60-month period if he or she enters DROP on or before June 30, 2028. Increases the allocations to investment plan accounts by 3 percent for each membership class in the investment plan.

[Ch. 168 “Human Trafficking” \(HB 615 – Overdorf\)](#)

Florida Statutes, Chapters: 16 & 409

Requires the Statewide Council on Human Trafficking to assess the frequency and extent to which social media platforms are used to assist, facilitate, or support human trafficking within the state; establish a process to detect such use on a consistent basis; and make recommendations on how to stop, reduce, or prevent social media platforms from being used for such purposes.

The bill also requires the district-support organization to develop training for fire safety inspectors related to recognizing and reporting human trafficking and allows such training to be eligible for the continuing education credits required under s. 633.216(4), F.S., for a fire safety inspector to renew his or her certification.

Requires foster parents and all residential child-caring or child placement agency staff to complete specified training related to recognizing, preventing, and reporting human trafficking.

[Ch. 170 “Statutes of Limitation for Offenses Relating to Sexual Performance by a Child” \(SB 1244 – Gibson\)](#)

Florida Statutes, Chapter 775

Removes the statute of limitations and allows a prosecution to be commenced at any time if an offender is 18 years of age or older at the time he or she commits an offense of using a child in a sexual performance or an offense of promoting a sexual performance by a child. The bill applies only to a qualifying offense that is not otherwise barred from prosecution on or before July 1, 2022.

[Ch. 175 “Department of Highway Safety and Motor Vehicles” \(SB 914 – Harrell\)](#)

Florida Statutes, Chapters: 316, 319, 320, 322, 627

- Provides law enforcement agencies additional time to submit required data concerning violations of the Ban on Texting While Driving Law and provides FLHSMV additional time to compile this information and submit an annual report.
- Extends the private rebuilt vehicle inspection program, currently only authorized in Miami-Dade County, to 11 additional counties.
- Provides that a charter bus is an “apportionable vehicle” to make Florida law consistent with the International Registration Plan.

- Prohibits persons with certain unpaid violations from obtaining a replacement motor vehicle registration or license plate to avoid a registration stop.
- Establishes timeframes within which various dealers and manufacturers of recreational vehicles and mobile homes must report to FLHSMV changes in required insurance and surety bonds.
- Beginning November 1, 2023, each driver license or identification card number must contain a minimum of four randomly generated digits, upon issuance, renewal, or replacement.

[Ch. 181 “Time Limitations for Preadjudicatory Juvenile Detention Care” \(HB 7029 – Brannan\)](#)

Florida Statutes, Chapter 985

Revises the time limitations and hearing requirements related to pre-adjudicatory juvenile detention care by:

- Authorizing a court to place a child alleged to be dependent in secure detention care if he or she is also alleged to have committed a delinquent act or violation of law.
- Authorizing a court to place a child on supervised release detention care for any time period until an adjudicatory hearing is completed and requiring a court to conduct a hearing to determine the need for continued supervised release detention care if a child remains on supervised release for 60 days or more.
- Limiting a court from placing a child into secure detention care for more than 21 days unless he or she is charged with a specified offense and the court conducts a hearing at which it makes written findings that the totality of the circumstances warrants an extension of secure detention care, in which case, the court may extend secure detention in up to 21-day increments. If a child remains in secure detention for 60 days, the court must prioritize the disposition of his or her case.
- Revising the specified offenses a child must be alleged to have committed to be eligible for an extension of secure detention to also include any second-degree felony and a third-degree felony involving violence against any person.
- Authorizing, but not requiring, a law enforcement agency to supervise any court-ordered electronic monitoring of a child on supervised release.

[Ch. 183 “United States Space Force” \(SB 438 – Burgess\)](#)

Florida Statutes, Chapters: 61, 92, 97, 115, 163, 210, 250, 295, 296, 331, 461, 466, 496, 540, 695, 718, 720, 790, 817, 1000, 1003

Updates the Florida Statutes to reflect the creation of the United States Space Force as a separate military service branch.

[Ch. 188 “Care for Retired Police Dogs” \(SB 226 – Powell\)](#)

Florida Statutes, Chapter 943

Provides that program funds must be disbursed to the former handler or adopter of a retired police dog that served for five or more years, or that served for at least three years, was injured in the line of duty, and retired due to such injury. An eligible handler must provide verifying documentation of the dog’s service from the agency from which the dog retired, an invoice detailing the dog’s veterinary care provided in this state, and documentation establishing that the former handler or adopter paid the invoice. Covered veterinary care includes wellness examinations, vaccinations, parasite prevention treatments, testing and treatment of illnesses and diseases, medications, emergency care and surgery, veterinary oncology or other specialty care, euthanasia, and cremation.

Former handlers and adopters are eligible to be reimbursed for up to \$1,500 per year but are not eligible for reimbursement if the funds appropriated for the Program are depleted in the year in which reimbursement is sought.

[Ch. 195 “Criminal Conflict and Civil Regional Counsels” \(SB 596 – Baxley\)](#)

Florida Statutes, Chapters: 27, 39, 92, 112, 320, 393, 394, 744, 943, 945, 985

Makes several changes related to the duties of Criminal Conflict and Civil Regional Counsel (CCCRC) to generally align the duties and privileges of CCCRC to that of the public defender, including:

- Authorizing CCCRC to coordinate witness appearances in court proceedings and reimbursing specified witnesses for certain costs.
- Requiring the state attorney to consult CCCRC regarding electronic filing of court documents.
- Changing the number of regional counsel nominations required to be submitted to the Governor.
- Prohibiting a court from appointing CCCRC to jointly represent a defendant who has already retained private counsel.
- Authorizing CCCRC to access specified dependency, juvenile, investigative and commitment records without the need for court approval.
- Authorizing CCCRC to register a vehicle or vessel under a fictitious name with FLHSMV and receive a license plate or decal based on such fictitious name.
- Explicitly authorizing the court to appoint CCCRC in specified cases if the public defender is required to withdraw due to a conflict of interest.
- Waiving a prerequisite education requirement for CCCRC attorneys in guardian advocate and incapacity proceedings.

[Ch. 197 “Boating Safety” \(SB 606 – Garcia\)](#)

Florida Statutes, Chapters: 327 & 328

Beginning January 1, 2023, prohibits a livery from offering a vessel for lease or rent without first being issued a no-cost livery permit by the Florida Fish and Wildlife Conservation Commission (FWC), which must be renewed annually. The bill also requires liveries to implement certain safety requirements and establishes penalties for violations of livery requirements.

Requires operators of vessels used in the instruction of water sports or activities to use an engine cutoff switch and wear an operative engine cutoff switch link when people participating in the sport or activity are in the water.

Authorizes a court to order a person who is convicted of a violation related to boating collisions and accidents to pay an additional fine of up to \$1,000 per violation.

Increases or establishes maximum penalties for certain noncriminal infractions of vessel safety laws and increases the default civil penalty for noncriminal infractions of vessel laws from \$50 to \$100, which applies when a different maximum penalty is not specified for a particular infraction.

Requires an applicant for a vessel registration to provide a physical residential or business address on the application. The bill specifies that upon receipt of an application from a live-aboard vessel owner whose primary residence is the vessel, FWC may authorize such owner to provide a post office box address in lieu of a physical residential or business address.

[Ch. 201 “Court Fiscal Administration” \(HB 397 – Clemons\)](#)

Florida Statutes, Chapters: 28, 40, 57, 322

Requires the Florida Clerks of Court Operations Corporation to develop a formula to estimate the total cost associated with clerk support for circuit and county judges statewide. Clarifies the minimum payment criteria for uniform payment plans and allows the clerks to review property records when determining the indigency status of an applicant. Directs FLHSMV to ensure the clerks have the ability to reinstate drivers’ licenses that have been suspended for failure to pay court obligations.

[Ch. 206 “Identification Cards” \(SB 144 – Hutson\)](#)

Florida Statutes, Chapter 322

Directs FLHSMV to issue a Florida identification card at no charge to a person presents a valid Florida voter’s registration card and attests that he or she is experiencing a financial hardship (does not exempt Real ID requirements), and to persons 80 years of age or older whose driving privilege is denied due to failure to pass a vision test.

[Ch. 220 “Cybersecurity” \(HB 7055 – Fischer\)](#)

Florida Statutes, Chapters: 282 & 815

Prohibits state agencies and local governments from paying or otherwise complying with a ransomware incident and establishes penalties and fines for certain ransomware offenses against a government entity. State agencies and local governments must report all ransomware incidents and high severity level cybersecurity incidents to the Cybersecurity Operations Center (CSOC) and the Cybercrime Office within the Florida Department of Law Enforcement as soon as possible but no later than a time certain. Local governments must also report to the sheriff. The bill requires state agencies to report low level cybersecurity incidents and provides that local governments may report such incidents. The bill also requires state agencies and local governments to submit after-action reports to the Florida Digital Service following a cybersecurity or ransomware incident. Requires the CSOC to notify the Legislature of high severity level cybersecurity incidents. The notice must contain a high-level overview of the incident and its likely effects. In addition, the CSOC must provide the Legislature and the Cybersecurity Advisory Council (CAC) with a consolidated incident report on a quarterly basis.

Requires state agency and local government employees to undergo certain cybersecurity training within 30 days of employment and annually thereafter. Requires local governments to adopt cybersecurity standards that safeguard the local government’s data, information technology (IT), and IT resources. Expands the purpose of the CAC to include advising local governments on cybersecurity and requires the CAC to examine reported cybersecurity and ransomware incidents to develop best practice recommendations. The CAC must submit an annual comprehensive report regarding ransomware to the Governor and Legislature.

[Ch. 221 “Public Records – Meetings/Cybersecurity” \(HB 7057 – Fischer\)](#)

Florida Statutes, Chapters: 119 & 282

Provides a general public record exemption for the following information held by an agency before, on, or after July 1, 2022:

- Coverage limits and deductible or self-insurance amounts of insurance or other risk mitigation coverages acquired for the protection of IT systems, operational technology systems, or data of an agency.
- Information relating to critical infrastructure.

- Network schematics, hardware and software configurations, or encryption information or information that identifies detection, investigation, or response practices for suspected or confirmed cybersecurity incidents.
- Cybersecurity incident information reported pursuant to ss. 282.318 or 282.3185, F.S.

The bill also creates a public meeting exemption for any portion of a meeting that would reveal the confidential and exempt information; however, any portion of an exempt meeting must be recorded and transcribed. The recording and transcript are confidential and exempt from public record requirements.

[Ch. 225 “Transportation Facility Designations” \(HB 1469 – Grieco\)](#)

Honors the 98 people who died in the Champlain Towers South collapse in Surfside, Florida, by designating “98 Points of Light Way” in Miami-Dade County.

The following bills take effect October 1, 2022:

[Ch. 084 “Tampering with or Fabricating Physical Evidence” \(HB 287 – Garrison\)](#)

Florida Statutes, Chapters: 918 & 921

Increases the penalty if a person tampers with or fabricates physical evidence in a criminal trial, proceeding, or investigation relating to a capital felony from a third-degree felony to a second-degree felony. Examples of a capital felony include first degree murder, capital sexual battery, and specified drug trafficking offenses. The bill ranks the offense of tampering with or fabricating physical evidence relating to a capital felony as a Level 6 offense on the Criminal Punishment Code’s offense severity ranking chart (OSRC).

A conviction for tampering with or fabricating physical evidence in an investigation or court proceeding involving any other crime remains a third-degree felony. Tampering with physical evidence remains a Level 3 offense on the OSRC. The bill ranks the previously unranked offense of fabricating physical evidence as a Level 3 offense on the OSRC.

[Ch. 116 “Traveling Across County Lines to Commit a Burglary” \(HB 6037 – Snyder\)](#)

Florida Statutes, Chapter 843

Removes the requirement under s. 843.22, F.S., that an offender’s travel be for the purpose of thwarting law enforcement attempts to track the items stolen during a burglary. By removing this requirement, the bill may allow more burglary offenses to be subject to enhanced penalties, and more offenders to be held without bail pending a first appearance hearing, when the offender travels with the intent to commit a burglary in a county that is not his or her county of residence.

[Ch. 118 “Residential Picketing” \(HB 1571 – Maggard\)](#)

Florida Statutes, Chapter 810

Creates s. 810.15, F.S., to prohibit a person from picketing or protesting before or about a person’s dwelling with the intent to harass or disturb that person. An offense of residential picketing is punishable as a second-degree misdemeanor. Under the bill, a “dwelling” means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families.

Requires a law enforcement officer, prior to making an arrest for a residential picketing offense, to provide a warning to any person picketing or protesting outside of a person's dwelling to immediately and peaceably disperse. Under the bill, a law enforcement officer may arrest a person for residential picketing only if the person does not immediately and peaceably disperse after the required warning.

[Ch. 129 "Controlled Substances" \(HB 95 – Plakon\)](#)

Florida Statutes, Chapters: 782 & 893

Adds methamphetamine to the list of specified controlled substances which, if the substance is the proximate cause of the victim's death, can subject the person who distributed the controlled substance to a conviction for first degree felony murder. Under the bill, a person convicted of first-degree felony murder involving the unlawful distribution of methamphetamine commits a capital felony. Also increases the penalties for sale of a controlled substance from a third-degree felony to a second-degree felony, and from a second-degree felony to a first-degree felony, when the offense is committed within 1,000 feet of a substance abuse treatment facility.

Increases the minimum mandatory term of imprisonment for a person convicted of trafficking in specified quantities of dangerous fentanyl or fentanyl analogues from three years to seven years, and from 15 years to 20 years.

[Ch. 164 "Indecent, Lewd, or Lascivious Touching" \(SB 444 – Perry\)](#)

Florida Statutes, Chapters: 794 & 921

Creates the crime of indecent, lewd, or lascivious touching of certain minors, which is punishable as a third-degree felony, ranked as a level 4 offense on the Criminal Punishment Code offense severity ranking chart.

[Ch. 165 "Sexual Offenses Definitions" \(SB 692 – Stewart\)](#)

Florida Statutes, Chapters: 288, 365, 395, 415, 491, 775, 794, 796, 800, 825, 827, 847, 872, 944, 951,

Amends statutes relating to prohibited sexual conduct to replace the terms "vagina" or "vaginal" with the terms "female genital" or "female genitals," and to provide that "female genitals" include the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

[Ch. 180 "Motor Vehicle and Vessel Law Enforcement" \(HB 399 – Rodriguez \(Ant\)\)](#)

Florida Statutes, Chapters: 316, 318, 322, 843, 901

Adds additional types of vehicles and additional prohibited conduct including a street takeover, stunt driving, and operating a vehicle to film or record prohibited activities or to carry fuel for other vehicles involved in prohibited activities. The bill defines the terms "burnout," "doughnut," "drifting," "motor vehicle," "street takeover," "stunt driving," and "wheelie." Amends the definition of "spectator" to include a person who is knowingly present at and views a street takeover and provides that evidence of filming or recording such an event or posting the event on social media are factors to be considered in determining whether a person qualifies as a spectator. Under the bill, a person commits a noncriminal traffic infraction if he or she is found to be a spectator at a race or street takeover. The bill also adds street takeovers and stunt driving to the violations which require an offender to pay a \$65 penalty. Under the bill, if an officer has probable cause to believe that a person has committed a violation relating to a street takeover or stunt driving, the officer may arrest the person without a warrant.

Provides that a person commits a first-degree misdemeanor under s. 316.2397, F.S., by operating a vehicle displaying red, red and white, or blue lights if in displaying such lights he or she effects or attempts to effect a stop of another vehicle. The bill also authorizes a court or jury, in determining whether a defendant committed the offense of false personation under s. 843.081, F.S., to consider any relevant evidence, including, but not limited to, whether the defendant displayed certain prohibited lights on his or her vehicle.

[Ch. 192 “Retail Theft” \(SB 1534 – Boyd\)](#)

Florida Statutes, Chapters: 812 & 921

Creates two new retail theft crimes aimed at preventing boosting. Under the bill, a person commits a third-degree felony retail theft crime, ranked as a level 5 offense on the Criminal Punishment Code offense severity ranking chart (OSRC), when he or she individually, or in concert with one or more other persons, commits five or more retail thefts within a 30-day period, and in committing such thefts:

- The person obtains or uses 10 or more items of merchandise, regardless of the value of such merchandise;
- The number of items stolen during each theft is aggregated within the 30-day period to determine the total number of items stolen; and
- Two or more of the thefts occur at different physical merchant locations.

A person commits a second-degree felony retail theft offense, ranked as a level 6 offense on the OSRC, when he or she commits the same offense outlined above, but in committing the offense, obtains or uses 20 or more items of merchandise. Under the bill, a third-degree felony retail theft offense is enhanced to a second-degree felony if the offender has a prior conviction for a second-degree felony retail theft offense.

[Ch. 212 “Sexually Related Offenses” \(SB 1798 – Book\)](#)

Florida Statutes, Chapters: 775, 784, 827, 828, 836, 847, 921

Prohibits a person from willfully and maliciously promoting an altered sexual depiction of an identifiable person, without the consent of the identifiable person, when the person promoting such altered sexual depiction knows or reasonably should have known the image was an altered sexual depiction. A person who unlawfully promotes an altered sexual depiction commits a third-degree felony, ranked as a level 3 offense on the Criminal Punishment Code offense severity ranking chart. Authorizes a law enforcement officer to arrest a person without a warrant if the officer has probable cause to believe the person possesses an obscene child-like sex doll.

Clarifies current law to ensure that all forms of sexual activity involving animals, including all forms of oral sex, may be prosecuted by providing an updated definition for “sexual contact with an animal;” creates a new crime related to images or videos depicting prohibited sexual activities involving animals; and increases the criminal penalty for sexual activities involving animals from a first-degree misdemeanor to a third-degree felony.

The following bills take effect in 2023:

[Ch. 123 “Mobile Home Registration Periods” \(SB 754 - Gainer\)](#)

Florida Statutes, Chapter 320

Revises the registration period for mobile homes owned by natural persons to match the registration period for most other motor vehicles. This new registration period will run from the first day of the

owner's birth month through the last day of the month immediately preceding the owner's birth month in the succeeding year. For mobile homes not owned by a natural person (i.e., registered to a business), the registration period remains January 1 through December 31, with the renewal period the 31-day period before expiration.

Effective Date 9/01/2023

[Ch. 198 "Public Records – Motor Vehicle Crashes & Traffic Citations" \(SB 1614 – Harrell\)](#)

Florida Statutes, Chapter 316

Revises the public record exemption for written crash reports to provide that personal identifying information contained in a crash report remains exempt from disclosure after the 60-day exemption period. Revises the list of entities to which the reports may be made available. Requires certain entities to enter a memorandum of understanding to obtain crash report data and requires redacted crash reports be made available to the media.

Creates a public record exemption for certain driver information contained in a traffic citation and authorizes the release of this information as provided in the federal Driver Privacy Protection Act.

Effective Date 03/01/2023