



FLORIDA SHERIFFS
ASSOCIATION

PROTECTING, LEADING
& UNITING SINCE 1893



FSA Legislative Wrap-Up
June 4, 2019

Allie Pass



FSA LEGISLATIVE WRAP-UP WEBINAR

June 4, 2019
Allie Pass
Government Affairs Coordinator



SESSION OVERVIEW

The 60-day legislative session
adjourned sine die on May 4, 2019.



3,491 bills introduced
Only 197 passed



FSA LEGISLATIVE PLATFORM

Prevention & Youth Service

Public Safety

Law Enforcement

Administration

Jails, Corrections, & Re-Entry



SHERIFFS DAY AT THE CAPITOL 2019



2019 PRIORITIES



USE OF UNMANNED AIRCRAFT

- Expands the exceptions to the prohibition on drone surveillance for law enforcement to permit the use of a drone for the following purposes:
 - To provide law enforcement with an aerial perspective of a crowd of 50 or more;
 - To assist a law enforcement agency in traffic management, but cannot be used to issue a traffic citation based on images or video captured; and
 - To facilitate a law enforcement agency's collection of evidence at a crime scene or traffic crash scene.

FAIL



COURT SECURITY

- Requires each county sheriff to coordinate with the board of county commissioners and chief judge of the judicial circuit to develop a comprehensive security plan for trial court facilities.
- Specifies that under the plan, the sheriff is in charge of law enforcement services and the chief judge retains decision-making authority to protect due process rights through the scheduling and through conduct of trials and other judicial proceedings.
- Clarifies that sheriffs and their deputies, employees, and contractors are officers of the court when providing security for court facilities.

FAIL



USE OF WIRELESS COMMUNICATION DEVICES

- **Makes texting while driving a primary offense and requires hands-free usage of wireless communications devices in work and school zones, including school crossings.**
 - Applies only where a vehicle is in motion and includes exceptions such as using a device for navigation purposes or emergency alerts.
 - “Work zones” are limited to areas in which construction personnel are present.
- **When stopping a driver for a violation of either provision in the bill, LEOs must:**
 - Inform drivers of their right to decline a search of their phone and may not access or confiscate the device without a warrant.
 - Record the race and ethnicity of each violator when issuing a citation.
- **When issuing a citation for a violation of the hands-free provision, LEOs must record the type of device in the comment section of the citation.**



PASSED

USE OF WIRELESS COMMUNICATION DEVICES (CONT.)

- Violations are punishable as a nonmoving violation (3 points) and first-time offenders may elect to complete a distracted driving safety program in lieu of points.
- Specifies that a user's billing records for a wireless device or witness testimony may be admissible as evidence only in the event of a crash resulting in serious bodily injury or death.
- Creates a statewide public education and awareness campaign wherein the DHSMV may contract with local LE agencies to assist with planning and conducting the statewide campaign.
- Effective Dates:
 - *Hands-free:*
 - ✓ LEOs may only issue warnings **October 1, 2019 through December 31, 2019.**
 - ✓ LEOs may issue citations and fines **beginning January 1, 2020.**
 - *Texting While Driving:*
 - ✓ Enforceable as a primary offense on **July 1, 2019.**



SCHOOL SAFETY

Overview

- **Expands upon last year's school safety law and adds several recommendations of the Marjory Stoneman Douglas High School Public Safety Commission, including:**
 - Establishing a workgroup to review campus hardening policies and recommend a prioritized list of strategies for implementation and funding enhancements.
 - Expanding the personnel who may serve as a school district's school safety specialist to include law enforcement officers employed by the sheriff's office.
 - Expanding options for school guardian training by sheriffs.
 - Expanding who may serve a school guardian to allow classroom teachers who volunteer to serve as school guardians.

PASSED



SCHOOL SAFETY

Safe-School Officers

- Each district school board and superintendent must partner with law enforcement agencies or security agencies to establish or assign one or more safe-school officers at each school, including charter schools.
- School boards must ensure charter schools have access to all safe-school officer options, and each school district or charter school may choose to implement any of the following options (or a combination of) to best meet the needs of the school district and charter schools:
 1. *School Resource Officer Program*
 2. *School Safety Officer*
 3. *School Guardian Program*
 - A school district employee or personnel or a charter school employee who volunteers to serve in addition to their official job duties may serve as a guardian.
 - An employee of a school district or charter school who is hired for the specific purpose of serving as a guardian may serve as a guardian.
 4. *Contract with a School Security Guard (“D” or “G” licensee)*
 - The contract must specify who will conduct the training.
 - The training requirements are the same as those for school guardians.



SCHOOL SAFETY (CONT.)

Guardian Program

- A sheriff must provide, at minimum, access to a guardian program to assist district and charter schools in complying with the safe-school officers requirement.
- A sheriff must establish a guardian program and provide training to district and charter school employees if the school board votes by a majority to implement a program.
 - The sheriff may do so either **directly or through a contract** with a sheriff's office that has established a program.
- **A charter school that has not voted or has decline to implement a program may request the sheriff in the county to establish a program for the purpose of training its employees.**
 - The sheriff may deny the request, and the charter school may contract with another sheriff who has a program.
 - The charter school governing board must notify the superintendent and the sheriff in the charter school's county of the contract prior to its execution.



SCHOOL SAFETY (CONT.)

- **A sheriff who establishes a program shall:**
 - Consult with the FDLE on guiding principles, practices, and resources.
 - Certify school employees as guardians who successfully complete training requirements.
 - Receive reimbursement for training and screening-related costs and for providing a one-time stipend of \$500 to each guardian.
- **Sheriffs who conduct guardian training:**
 - Shall certify individuals who successfully complete the training requirements **to the satisfaction of the sheriff.**
 - Are responsible for maintaining documentation of weapon and equipment inspections, training, certification, inspection, and qualification records of each school guardian certified by the sheriff.
- **Requires any certified guardian be appointed by the respective district superintendent or charter school principal.**



SCHOOL SAFETY (CONT.)

School Safety Specialists

- Each superintendent must designate a school safety specialist for the district for the supervision and oversight for all school safety and security personnel, policies, and procedures.
- Removes the requirement that a school safety specialist be a school administrator and allows LEOs employed by the sheriff's office (located in the school district) to serve as a school safety specialist with the approval of the sheriff.
 - A school safety specialist from the sheriff's office remains an employee of the sheriff's office for purposes of compensation and benefits.
 - The sheriff and superintendent may agree to reimbursement or sharing of any associated costs.



SCHOOL SAFETY (CONT.)

Funding

- Safe School Allocation funding shall be prioritized to safe-school officers with each district receiving a minimum safe-schools allocation.
- The remaining balance will be distributed based on a revised formula for 2019-2020 with 1/3 of the remaining balance to be allocated to school districts based on the most recent crime index and 2/3 allocated based on each district's share of the state's total unweighted FTE.
- If school board denies a charter school access to any Safe-School Officer options, the district is required to assign a SRO or SSO to the charter school, the charter school's share of costs for that officer may not exceed the amount of funds allocated to the charter school under the safe school allocation.
- Effective Date
 - This act is now in effect - Signed into law by the Governor on May 8, 2019.



PUBLIC SAFETY

FSA Legislative Platform



E911 SYSTEMS

- Requires each county develop a plan to implement countywide text-to-911 service by January 1, 2022.
- Requires the Technology Program develop a plan by February 1, 2020 to upgrade 911 Public Safety Answering Points (PSAPs) within the state to allow the transfer of an emergency call from one local, multijurisdictional or regional 911 system to another.
- Requires each county develop and implement communications systems that allow direct radio communication between PSAPs and first responders outside the PSAP's normal service area.



PASSED

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

E911 SYSTEMS

- Requires local first responder agencies ensure each PSAP is capable of directly notifying any first responder agency in their county of an emergency by radio.
- Requires each sheriff and first responder agency heads in each county to develop a written interlocal agreement that establishes the protocols by which a PSAP will directly notify by radio on-duty personnel of a first responder agency of an emergency for which the PSAP does not provide primary dispatch functions.
- Requires training for personnel of each first responder agency, PSAP and dispatch center concerning compliance.
- Requires each sheriff to submit to the FDLE a copy of each interlocal agreement and written certifications all PSAPs in his or her county are in compliance by January 1, 2020.
- Takes effect July 1, 2019.



INFECTIOUS DISEASE ELIMINATION ACT

- **Allows a county commission to authorize a needle and syringe exchange program to operate within its boundaries at one or more fixed locations or through mobile health units.**
- **Before an exchange program may be established, a county commission must:**
 - Authorize and approve the program under a county ordinance.
 - Enter into a letter of agreement with the DOH regarding the operation of the program.
 - Enlist the local health department to provide consultation for the program.
 - Contract with entities to operate the program such as a healthcare clinic.
- **Requires each program operate on a one-to-one exchange ratio.**
- **A program may only be funded through grants and private donations.**
- **Takes effect July 1, 2019.**

PASSED



CRIMINAL JUSTICE REFORM

- Theft Thresholds
- Hydrocodone Thresholds
- Youthful Offenders
- Expansion of Inmate Reentry Programming and Services
- Crime Stoppers
- Driver License Suspensions
- Contraband in Detention Facilities
- Criminal Justice Data Transparency
- Uniform Data Collection
- Civil Citation or Similar Prearrest Diversion Program
- Sealing and Expunction of Criminal Records
- Criminal Punishment Code Task Force

PASSED



CRIMINAL JUSTICE REFORM (CONT.)

- **Theft Thresholds**

- Increases felony theft threshold from \$300 to \$750.

- **Hydrocodone Thresholds**

- Increases the base threshold amount for trafficking in hydrocodone from 14 grams to 28 grams to bring the amounts in line with oxycodone.

- **Expansion of Inmate Reentry Programming and Services**

- Requires DOC to provide a community reentry resource directory and a Prison Entrepreneurship Program for inmates.
- Allows DOC to contract with public or private organizations to establish transitional employment programs.

- **Youthful Offenders**

- Permits a court to impose a sentence as a youthful offender if the person committed the felony before they turned 21 years old, regardless of their age at the time of sentencing.



CRIMINAL JUSTICE REFORM (CONT.)

- **Crime Stoppers**

- Permits grants awarded under the crime stoppers trust fund to be used to pay rewards for tips that result in certain things such as an arrest, recovery of stolen property, etc.
- Provides that anyone who discloses, notwithstanding certain exceptions, privileged communication or the identity of someone who reports information to crime stoppers commits a 3rd degree felony.

- **Driver License Suspensions**

- Repeals and reduces driver license suspensions and revocations for non-driving related reasons.

- **Contraband in Detention Facilities**

- Adds cell phones to prohibited contraband for county detention facilities, punishable as 3rd degree felony, Level 4 offense.
- Adds that a violation by an employee is ranked one level higher.



CRIMINAL JUSTICE REFORM (CONT.)

- **Criminal Justice Data Transparency**

- Specifies certain modified data to be collected and reported and adds new data elements to be collected and reported by certain agencies and entities, including county detention facilities.
- Includes reporting requirements to FDLE monthly for county detention facility administrators and specifies penalties for noncompliance.

- **Uniform Data Collection**

- Requires the Criminal and Juvenile Justice Information Systems Council to create a uniform arrest affidavit to be used by LE to assist in the collection and reporting of data from each criminal offense arrest.
- Requires the collection of the following:
 - ✓ Identification of the arrestee.
 - ✓ Details of the arrest, including each charge.
 - ✓ Details of each vehicle and item seized at the time of arrest.
 - ✓ Juvenile arrestee information.
 - ✓ Release information.



CRIMINAL JUSTICE REFORM (CONT.)

- **Sealing and Expunction of Criminal Records**
 - Allows for automatic sealing process for any criminal history record in which charges were not filed, dismissed or the defendant was acquitted.
- **Criminal Punishment Code Task Force**
 - Creates a task force to review, evaluate, and make recommendations regarding sentencing for the ranking of noncapital felony offenses under the Criminal Punishment Code.
 - The task force will consist of 15 members and will be headed by Attorney General Ashley Moody.
 - The task force will submit a report to the Governor and Legislature by June 30, 2020 and will include any recommendations for legislative changes and an analysis of the expected impact of the recommendations if enacted by the Legislature.
- **The act takes effect October 1, 2019.**



HEMP

- Authorizes the FL Department of Agriculture and Consumer Services (DACS) to create a state hemp program.
- Requires the DACS to submit a plan to the U.S. Department of Agriculture for the regulation and cultivation of hemp
- Provides for licensure requirements and requires DACS to adopt rules for establishing procedures by August 1, 2019, including procedures for testing THC concentration of cultivated hemp.
- Provides for packaging specifications related to the retail sale of hemp extract, including a statement specifying the THC concentration does not exceed 0.3 percent on a dry-weight basis.

PASSED



HEMP (CONT.)

- Amends s. 893.02, F.S., to clarify “cannabis” does not include “hemp,” or “industrial hemp.”
- Defines “hemp extract” as a substance intended for ingestion that is derived from or contains hemp and that does not contain other controlled substances.
- Creates an Industrial Hemp Advisory Council to provide advice and expertise with respect to plans, policies, and procedures related to the administration of the state hemp program.
 - The Council will include 15 members, including the president of the FSA (or his or her designee).
- Takes effect July 1, 2019.



MEDICAL USE OF MARIJUANA

- Eliminates the ban on smoking marijuana for medical purposes and allows patients to purchase up to 2.5 ounces of marijuana for smoking every 35 days.
- Bans smoking of marijuana in public places.
- Dispensaries may sell any form of smokable marijuana, and patients may buy devices to smoke cannabis at retail outlets.
- Includes packaging and labeling requirements for marijuana in a form for smoking.
- The act took effect on March 18, 2019 upon being signed by the Governor.



PASSED

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

ALCOHOL OR DRUG OVERDOSE PROSECUTIONS

- **Extends immunity under the 911 Good Samaritan Act to shield a person from arrest, charge, prosecution, and penalization of a person acting in good faith who seeks medical help for themselves or others for a drug or alcohol overdose.**
- **The bill extends immunity under the act for:**
 - Use or possession of drug paraphernalia (limits immunity to possession of a controlled substance <10 grams)
 - Violation of pretrial release, probation, or parole.
 - A person seeking aid for an alcohol overdose.
 - Immunity for an alcohol-related overdose is contingent on the person remaining at the scene and cooperating with EMS personnel and law enforcement on arrival.



Takes effect July 1, 2019.

PASSED

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

HUMAN TRAFFICKING

- **Requires hotel employees, massage parlor workers, certain healthcare providers and law enforcement to complete training related to human trafficking.**
 - New LEOs must complete training within 1 year after beginning employment.
 - Current LEOs must complete training by July 1, 2022.
 - Failure to complete training may result in a LEOs certification being placed on inactive status.
 - Training may count toward the 40 hours continued employment training.
- **Creates a Soliciting for Prostitution Public Database and includes criminal history records of individuals convicted of soliciting prostitution.**
- **Criminalizes an adult theatre's failure to maintain age verification documentation and expands the definition of "adult theatre" to include strip club facilities.**
- **Takes effect July 1, 2019.**



PASSED

SAFETY OF RELIGIOUS INSTITUTIONS

- **Allows a religious institution connected to a school to authorize a licensee to carry a concealed firearm on property owned, rented, or otherwise lawfully used by the religious institution.**

FAIL



LAW ENFORCEMENT

FSA Legislative Platform



FEDERAL IMMIGRATION ENFORCEMENT

- **Creates Chapter 908 of the Florida Statutes entitled “Federal Immigration Enforcement.”**
- **Seeks to ensure that state and local entities and LE agencies cooperate with federal government officials to enforce immigration laws.**
- **Prohibits sanctuary jurisdictions and requires state and local entities to comply with federal immigration detainers.**
- **Requires a covered government body to use its best efforts to support the enforcement of federal immigration law.**
- **Prohibits a state entity, local governmental entity, or LE agency from restricting a LE agency’s ability to communicate or exchange information with a federal immigration agency.**



PASSED

FEDERAL IMMIGRATION ENFORCEMENT (CONT.)

- Requires a LE agency that has custody of someone who is subject to a detainer to notify the judge of the detainer, record in the person's file the existence of the detainer and comply with the detainer.
- Requires a county correctional facility enter into an agreement with a federal immigration agency for the payment of costs associated with housing and detaining defendants.
 - Sheriffs who operate jails must have at least one of the following agreements with ICE:
 - ✓ 287(g)
 - ✓ IGSA
 - ✓ BOA
 - ✓ Warrant Service Officer Program (WSO)
- Provides penalties for noncompliance.
- Takes effect July 1, 2019 and any policy that violates this act must be repealed within 90 days.



POLICE, FIRE, AND SEARCH AND RESCUE DOGS AND POLICE HORSES

- Increases the penalty from a 3rd degree felony to a 2nd degree felony for intentionally and knowingly, without lawful cause or justification, injuring or killing a police, fire, or search and rescue (SAR) canine or horse.
- Signed by the Governor on April 26, 2019 and will go into effect on October 1, 2019.

PASSED



CARRYING OF FIREARMS BY TACTICAL MEDICAL PROFESSIONALS

- Allows tactical medical professionals (TMPs) to carry firearms while actively operating in direct support of a high-risk tactical operation by a LE agency.
- TMPs must have a concealed weapons permit, be appointed to a LE tactical team by the head of the agency, and successfully complete firearms and tactical training provided by the LE agency each year.
- The LE agency must have an established policy providing for the appointment, training, and deployment of the TMP.
- **While actively operating in direct support of a tactical operation, a TMP:**
 - May carry a firearm in the same manner as a LEO.
 - Has no duty to retreat and is justified in the use of any force which he or she reasonable believes is necessary to defend himself or herself from bodily harm.
 - Is subject to the same liability as a LEO in a civil and criminal action.
- **Does not authorize the TMP to carry, transport, or store a firearm or ammunition on any fire apparatus or EMS vehicle.**
- **Takes effect July 1, 2019.**



PASSED

DNA DATABASE

- The bill amends current law and provides that a match between a person's DNA sample in a current criminal investigation to a state or federal DNA database may also be used as probable cause for an arrest warrant.
- Takes effect July 1, 2019.

PASSED



MOTOR VEHICLE RACING

- Allows an officer to arrest a person without a warrant if the officer has probable cause to believe he or she committed a racing offense.
- Removes the requirement that an officer either witness the offense and arrest immediately or in fresh pursuit or secure an arrest warrant.
- Provides for the use of video, witness and other evidence to bring charges.
- Takes effect July 1, 2019.

PASSED



VICTIMS RIGHTS (MARSY'S LAW)

- Amendment 6 (Marsy's Law) took effect January 8, 2019 and expanded the rights of victims set forth in Article 1, section 16 of the Florida Constitution.
- Amendment 6 establishes basic rights that inure to the victim at the time the crime is being committed and other rights that are available upon request.
- The fifth right, regarding the prevention of the disclosure of information or records that could be used to locate or harass the victim or victim's family is subject to interpretation.
- The bill sought to provide clarification on provisions of Amendment 6.
- No house companion



FAIL

SEARCHES OF CELL PHONES AND OTHER ELECTRONIC DEVICES

- Amends the definition of oral communication to explicitly include communication recorded by a microphone-enabled device to ensure that communication intercepted by such a device is subject to Florida's wiretapping protections.
- Requires LE to obtain a warrant (as opposed to a court order) to conduct real-time location tracking or acquire historical location data of a cell phone.

FAIL



PREVENTION AND YOUTH SERVICES

FSA Legislative Platform



DISCLOSURE OF CONFIDENTIAL RECORDS

- Requires that when a patient communicates a specific threat against an identifiable individual to a mental health service provider, the provider must release information from the clinical record of the patient sufficient to inform law enforcement of the potential threat.
- The bill also requires that a LE agency that receives notification of the threat take action to prevent the risk of harm to the target of the threat, including notifying the intended victim or initiating a RPO.
- Takes effect July 1, 2019.



PASSED

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

CHILD WELFARE

- Requires systems used by DCF and FDLE connect in a way that allows FDLE to make available to LE agencies information that a person is a parent or caregiver involved in the child welfare system.
- Requires that if a LEO interacts with a parent or caregiver involved in the child welfare system, and the interaction results in the officer having a concern about the child's health, safety, or well-being, the LEO must report details of the interaction to the central abuse hotline immediately.
- Requires LEOs to receive training on the recognition of and response to head trauma and brain injury in a child under 6 years old as part of the basic recruit training or as part of continuing education before July 1, 2021.

FAIL



ADMINISTRATION

FSA Legislative Platform



PUBLIC RECORDS EXEMPTION: CIVILIAN PERSONNEL EMPLOYED BY A LAW ENFORCEMENT AGENCY

- Amends a current exemption by defining the term “home address,” to include all identifying information which may reveal the home address of law enforcement officers.
- Expands a current exemption for personal identifying information for law enforcement officers, to include former or active civilian personnel employed by a LE agency and exempts certain personinformation from public records:
 - Home addresses, phone numbers, DOBs, and photographs of active or former civilian personnel employed by a law enforcement agency as well as their spouses or children.
 - Places of employment of the spouses and children of such personnel; and
 - Names and locations of schools and day care facilities attended by the children of such personnel.
- Allows those protected to request, in writing, release of information.
- Signed by the Governor on April 26, 2019 and will go into effect on July 1, 2019.



PASSED

PUBLIC RECORDS EXEMPTION: KILLING OF A VICTIM OF MASS VIOLENCE

- Adds to the current public records exemption under s. 119.071 photographs, audio or video recording that depicts or records the killing of a victim of mass violence held by a criminal justice agency.
- “Killing of a victim of mass violence” includes events that depict either a victim being killed or the body of a victim being killed in an incident in which three or more persons, not including the perpetrator, are killed of an intentional act of violence.
- Allows law enforcement or local or federal agencies to view or obtain a copy of the recording or photograph in performance of their duties.
- Does not prevent a surviving spouse, parent, adult or child of the victim from sharing or publicly releasing such photograph or video or audio recording.
- Went into effect on May 23, 2019 upon the Governor’s signature.



PUBLIC RECORDS EXEMPTION: PROTECTIVE INJUNCTIONS

- Temporarily exempts all information that could be used to identify a petitioner or respondent in a protective injunction until the respondent has been personally served.
- Applies to protective injunctions that allege domestic violence, repeat violence, dating violence, sexual violence, stalking or cyberstalking.
- Signed by the Governor on April 26, 2019 and takes effect July 1, 2019.

PASSED



BUDGETS OF COUNTY CONSTITUTIONAL OFFICERS

- Requires county constitutional officers to submit their budgets to the board of county commissioners (BCC) in sufficient detail and contain information as the BCC may require.
- The tentative and final budgets of each constitutional officer must be posted on the county's official website and must provide a separate narrative explaining the budget priorities.
 - Provides this can be done by posting on the county's official website a link to the constitutional officer's website.
- The tentative budget for each constitutional officer must be posted on the county's official website at least 2 days before the public hearing and must be identified separately from the tentative budget of the county as a whole to clearly demarcate the constitutional officer's budget.

FAIL



PEER SUPPORT FOR FIRST RESPONDERS

- Provides confidentiality for peer support conversations between first responders and includes certain exceptions.
- Broadly defines “peer support” as any conversation or communication between a first responder and a person who is not a health care practitioner, but who has experience working as or with a first responder regarding physical or emotional issues relating to the first responder’s employment.

FAIL



DEATH BENEFITS FOR SURVIVORS OF FIRST RESPONDERS

- The bill implements Amendment 7 by expanding some of the current death benefits provided to FLNG members, firefighters, and law enforcement, correctional, and correctional probation officers by increasing the benefit amount as follows:
 - *Accidental Deaths* – From \$50,000 to \$75,000
 - *Accidental Deaths Under Certain Aggravating Circumstances* – From \$50,000 to \$75,000
 - *Unlawful and Intentional Deaths* – From \$150,000 to \$225,000
- Expands supplemental and educational benefits to paramedics, EMTs, and part-time firefighters.
- Signed by the Governor on May 10, 2019 and takes effect July 1, 2019.



PASSED

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

EMPLOYER CONTRIBUTION TO FUND RETIREE BENEFITS

2019-2020 FRS Rates					
Membership Class	Effective July 1, 2019				
	Normal Cost	UAL Rate	Administration	HIS	Total
Regular	3.19%	3.56%	0.06%	1.66%	8.47%
Special Risk	12.53%	11.14%	0.06%	1.66%	25.39%
Special Risk Admin Support	3.61%	33.26%	0.06%	1.66%	38.59%
Elected Officers-County Officers	8.73%	38.37%	0.06%	1.66%	48.82%
Senior Management	4.60%	19.09%	0.06%	1.66%	25.41%
DROP	4.68%	8.24%	N/A	1.66%	14.58%

This bill passed and was approved by the Governor on April 15, 2019.
The bill will go into effect July 1, 2019.



(SB 7016 by Governmental Oversight and Accountability)

JAILS, CORRECTIONS & RE-ENTRY

FSA Legislative Platform



DIGNITY FOR INCARCERATED WOMEN ACT

- Requires correctional facilities, including jails, to provide female inmates with healthcare products and prohibits a male correctional officer from conducting a pat-down or body cavity search of a female inmate with certain exceptions.
- Healthcare products include feminine hygiene products, including tampons, moisturizing soap that is not lye-based, toothbrushes, toothpaste.
 - Products must be made available in common housing areas and medical facilities at no cost and in a quantity that is appropriate to the needs of the inmate without a medical referral.
- **Male correctional facility employees:**
 - May not conduct a pat-down or search of a female inmate unless the woman presents an immediate risk of harm to herself or others and a female employee is unavailable.
 - Must announce their presence upon entering a female housing unit.
 - May not enter an area in which a female inmate might be in a “state of undress.”
 - May enter a prohibited area only in the event of a medical emergency or if a female inmate presents an immediate risk of harm to herself or others and a female correctional facility employee is not available, or a female correctional facility employee requires assistance.
 - Must document any incidents in which a pat-down or body cavity search or entry of a prohibited area occurs within three days and must include the circumstances.

Takes effect July 1, 2019.



PASSED

(HB 49 Jones and Sen. 332 Pizzo)

CRITICAL INFRASTRUCTURE FACILITIES

- Maintains the current prohibition against operating a drone over or near a “critical infrastructure facility.”
- Expands definition of a critical infrastructure facility to include state and private correctional facilities, secure juvenile detention centers, nonsecure, high-risk, or maximum risk juvenile residential facilities and county detention facilities.
- A first offense is a 2nd degree misdemeanor, and a subsequent offense is a 1st degree misdemeanor.
- Takes effect July 1, 2019.

PASSED



LEWD OR LASCIVIOUS EXHIBITION

- Extends the prohibition under F.S., 800.09 of lewd or lascivious exhibition in the presence of correctional employees to include any person employed at or performing contractual services for a county detention facility.
- A violation is punishable as a 3rd degree felony.
- Signed by the Governor on May 23, 2019. The act will take effect July 1, 2019.

PASSED



YOUTH IN SOLITARY CONFINEMENT

- Prohibits placing a youth in isolation by the Department of Corrections except under certain circumstances.
- Requires each sheriff and chief correctional officer to adopt model standards for county and municipal detention facilities applicable to the confinement of prisoners by classification on the basis of age and a strict prohibition on the solitary confinement of prisoners under the age of 19.

FAIL



AMENDMENT OF CRIMINAL STATUTES

- Amendment 11 revised the Savings Clause in Florida's Constitution, Article X, Section 9, to prohibit the retroactive application of a repeal to a criminal statute that "affects prosecution."
- Clarifies Amendment 11 and creates a general savings statute for criminal statutes which precludes the retroactive application of new sentencing laws with certain exceptions, including:
 - If a penalty, forfeiture, or fine is reduced by a reenactment or amendment of a criminal statute and has not been imposed already.
 - Does not limit the retroactive effect of any defense to a criminal statute enacted or amended by the Legislature to any criminal case on appeal or that has not resulted in the imposition of a judgment or sentence.
 - Lawmakers sign off on the retroactive application of any new sentencing laws.
- Takes effect upon becoming a law.

PASSED



VOTING RIGHTS RESTORATION

- **Implements Amendment 4 which granted the automatic restoration of voting rights to felons who completed all terms of their sentence, including parole and probation, except those convicted of murder or a felony sexual offense.**
 - Clarifies which crimes qualify as “murder” and “felony sexual offenses” and what it means for an offender to “complete all terms of a sentence.”
- **Requires felons complete all terms ordered by a judge within the “four corners of a sentence” prior to being able to vote, including the payment of all financial obligations (including restitution).**
- **Requires state and county detention facilities provide the following to each felon, at least 2 weeks before discharge, if possible:**
 - Information explaining voting rights restoration.
 - All outstanding terms of the prisoner’s sentence at the time of release.
- **Takes effect July 1, 2019.**



PASSED

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

Questions???

Matt Dunagan
mdunagan@flsheriffs.org

Allie Pass
apass@flsheriffs.org

Florida Sheriffs Association
(850) 877-2165

