



FSA LEGISLATIVE REPORT 2023

One of the primary roles and responsibilities of the Florida Sheriffs Association is to support and monitor legislation that ensures public safety. During the 2023 legislation session, FSA's legislative team actively worked with lawmakers to ensure the bills that passed are in the best interest of Florida citizens' safety and Florida's law enforcement officers.





**FLORIDA'S SHERIFFS AND ALL OF THE LAW ENFORCEMENT
COMMUNITY ARE INCREDIBLY THANKFUL TO SPEAKER RENNER
FOR THE CHERISHED TRADITION OF RECOGNIZING THE LAW
ENFORCEMENT OFFICER OF THE DAY ON THE FLORIDA HOUSE FLOOR.**

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Executive Summary

Introduction

Over the past decade, sheriffs have had many successful legislative sessions. The key to the sheriffs' success has been to not just have a great session, but to stack those successful sessions on top of each other by continuing to build upon each year's victories. The 2022 legislative session was a historic session for sheriffs, but 2023 was remarkable in so many ways because of the sheer volume of positive, pro-public safety bills that passed in such a short period of time.

Do not just take this positive news from the Florida Sheriffs Association, Governor Ron DeSantis put it best at the end of session. "Florida is a law-and-order state with a 50-year record low crime rate and double-digit year-over-year decreases in murder, burglary, and overall crime. For three consecutive legislative sessions we have enacted tough-on-crime policies, and this year we are continuing to implement measures to protect our communities and keep Florida safe, with a particular emphasis on keeping criminals in jail and throwing the book at pedophiles," said Governor DeSantis.

At the start of this year's legislative session, House Speaker Paul Renner highlighted many of the public safety policies he was going to support to provide law enforcement with the tools they need to keep our communities safe. Speaker Renner said: "If you commit a serious crime, you're going to face the consequences of your actions. While diversion and rehabilitation are important to providing individuals who come in contact with the justice system an opportunity to correct their behavior, people must be held accountable, and we must ensure our first responders have the tools they need to do their jobs professionally and effectively. The Florida House prioritizes public safety and keeping our communities safe."

Sheriffs greatly appreciated the strong support they received from Speaker Renner as well as from Senate President Kathleen Passidomo throughout the 60-day session. The following public safety accomplishments could not be made possible without their tireless efforts to listen to sheriffs and then have the resolve to create lasting policies that are now the envy of people in other states who just want to live and work in safe neighborhoods.

Public Safety Successes

The following are some of the key public safety bills that the Florida Sheriffs Association supported that passed during the 2023 legislative session:

- ✓ **Strengthening Retirement:** Sheriffs went into session seeking a rollback to 25 years of service and age 55 for retirement. They will be getting more than what they originally asked for because House and Senate leaders also agreed to permanently extend Deferred Retirement Option Plan (DROP) to 8 years for all employees, remove the window to enter



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DROP, and increase the DROP interest rate from 1.3% to 4% (starting July 1, 2023). These improvements to Florida's retirement system will assist sheriffs in recruiting and retaining the very best.

- ✓ **Protecting the Office of the Sheriff:** HB 1595 implements Amendment 10, which passed with 63% support in 2018, and clarifies under Florida law, that the Sheriff is the exclusive provider of policing services in the unincorporated areas of the county and that the county cannot create a police department or entity in the unincorporated areas of the county. The bill also provides a glide path for the new Sheriff of Miami-Dade County in 2025 by ensuring the incoming elected sheriff has the tools and resources in place that he or she needs to effectively operate upon taking office. Additionally, HB 1379 passed the Legislature and will similarly, assist in implementing Amendment 10 by ensuring that no county commission can duplicate the powers or responsibilities of any of the five constitutional offices.
- ✓ **Funding Rapid DNA:** The state budget includes \$2.75 million to provide funding for an initial Rapid DNA pilot program. The program will allow several medium-sized Sheriffs' Offices to purchase a Rapid DNA machine for use within their jail's booking station. HB 1105 also passed and will create a grant program within the Florida Department of Law Enforcement (FDLE) for county jails or sheriffs' offices to help support the purchase of both Rapid DNA machines and consumables. Rapid DNA is DNA that is taken via a cheek swab, tested by a machine, and automatically uploaded to the FBI's Combined DNA Index System (CODIS) database. Rapid DNA can be developed within 1-2 hours and without the need for a DNA laboratory or any human intervention or review. The use of Rapid DNA technology in jails will allow law enforcement to test a qualifying offender's DNA and determine whether the person's DNA is a match to any unsolved crimes while the person is still in custody.
- ✓ **Expanding Automated License Plate Recognition Systems:** HB 1305 will now permit law enforcement, at the discretion of the Florida Department of Transportation (FDOT), to install automated license plate readers (ALPRs) on FDOT rights-of-way for the purpose of collecting active criminal intelligence or investigative information. New and emerging ALPR technologies are assisting local law enforcement in quickly capturing and apprehending criminals when they steal vehicles or abduct children by capturing license plate information and then assisting law enforcement in locating the vehicle after it enters it into their data systems.
- ✓ **Building Transparency for Brady List:** *Brady v. Maryland*, (1963), is a United States Supreme Court case that recognized the constitutional obligation of a state attorney to disclose specified exculpatory and impeachment evidence to the defendant in a criminal



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case. HB 95 builds upon this legal doctrine by providing that prosecuting agencies are not required to have a Brady List, but if they do so, there must be certain guardrails in place to protect law enforcement officers, including notification requirements that will ensure an officer is made aware of being placed on or removed from a Brady list. The bill will also provide officers with the right to request reconsideration upon being placed on a Brady list and to submit documents or evidence in support of his or her request for reconsideration.

- ✓ **Constitutional Permitless Carry & School Safety:** HB 543 strengthened Floridians' Second Amendment rights by allowing Floridians to carry concealed weapons without a government-issued permit. HB 543 makes Florida the 26th state to enact Constitutional Carry legislation. The bill also improves several school safety measures including: the expansion of the school guardian program to private schools; requiring the Office of Safe Schools to create a standard behavioral threat assessment process; and creating the Florida Safe Schools Canine Program.

"This comprehensive legislation ensures our laws respect the constitutional rights of law-abiding Floridians while at the same time incorporating valuable tools recommended by law enforcement that will increase the safety of our schools and communities. I stand with Florida's sheriffs and with decorated members of our military like Senator Collins and Speaker Renner who agree that eliminating the need for a concealed weapons license in the state of Florida will help more Floridians better protect themselves and their families. This legislation will also help keep our schools safe by making sure we swiftly identify threats and get more kids the services they need to live a safe and successful life," said Senate President Kathleen Passidomo. "

- ✓ **Holding Criminals Accountable with Pretrial Release & Detention:** Governor DeSantis touted HB 1627 ahead of session and will protect Floridians from the disastrous "bail reforms" being backed by some criminal justice reform advocates. The legislation will require the Florida Supreme Court to develop a uniform statewide bond schedule by the end of the year and will prohibit the chief judge of a judicial circuit from setting a lower bond amount for a criminal offense than the uniform statewide bond schedule. In addition, the new law prohibits a person from being released prior to his or her first appearance if he or she has been arrested for a particularly violent or heinous crime.
- ✓ **Death Penalty Change:** A key priority for Governor DeSantis was changing the death penalty law to ensure justice in capital cases. He spoke to the sheriffs about this change during their winter conference in St. Johns County after the Parkland shooter was sentenced to life imprisonment and not the death penalty. SB 450 reforms the capital sentencing statute and no longer requires a unanimous jury decision to sentence



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someone to capital punishment. Florida's new law will require a supermajority of eight out of twelve jurors to recommend a sentence of death to the court.

Key Budgetary Issues

In addition to these important public safety bills passing, several key budgetary issues in the \$117 billion state budget are listed below.

- ✓ **Creation of a Law Enforcement Ballistic Testing Pilot Program:** \$3.5 million will go to the Florida Department of Law Enforcement (FDLE) to purchase ballistic testing machines on behalf of local law enforcement agencies and the machines will be placed throughout the state to create regional accessibility. These machines assist law enforcement in analyzing shell casings from handguns to determine if the gun had been used in previous crimes. To date, there are only a couple machines in Florida, but this funding will increase it by more than 200%.
- ✓ **Florida Safe School Canine Program:** One of the many positive provisions in HB 543 was the establishment of canine firearm detection canines in schools. The state budget now has \$4 million for the Department of Education to provide grants to schools in fiscally constrained counties for participation in the Florida Safe Schools Canine Program. Schools may apply for funds that may be used to purchase and train a firearm detection canine.



Governor DeSantis welcomes sheriffs during the 2023 Sheriffs Day at the Capitol



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- ✓ **Funding for fiscally constrained sheriffs:** The state budget added another \$5 million to now include \$20 million in total for the 29 fiscally constrained sheriffs to provide pay raises for their deputies and correctional officers. The funding is recurring and will be administered by FDLE.

Conclusion

More than 1,800 bills were filed for consideration during the 2023 legislative session, and only 356 made it across the finish line and were sent over to the Governor's desk. It is never an easy task to pass a piece of legislation, and this fact is not lost on the sheriffs. They worked hard to forge positive relationships with legislators, and this has led to lasting positive effects. Sheriffs remain confident that the Governor and legislative leaders will continue to make certain that Florida remains the safest place to work, play and raise a family.

The Florida Sheriffs Association will continue to keep sheriffs, our law enforcement partners and our honorary members up to date on critically important public safety issues until the next legislative session, which will begin early next year on January 9, 2024. For more information on the FSA Legislative Program and to stay informed on all legislative issues please visit: www.flsheriffs.org/legislative.



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Florida Sheriffs Association Priorities

Issue: Office of the Sheriff

Outcome: Passed, Chapter No. 2023-156

Effective: Took effect May 25, 2023, upon the signature of the Governor.

(HB 1595 Rep. Fernandez-Barquin and SB 1588 Sen. Burgess)

The bill codifies the jurisdictional powers of the sheriff to clarify that the sheriff has exclusive policing jurisdiction in the unincorporated areas of each county and concurrent jurisdiction with municipal or special district law enforcement agencies in the jurisdictions of those agencies. The bill also provides for the transfer of policing responsibility and authority to the sheriff in counties that do not currently have an elected sheriff. Finally, the bill revises the process of appealing a funding reduction to the operating budget of a municipal law enforcement agency.

Section 1

Section one of the bill is applicable statewide and removes any doubt that the sheriffs is the exclusive provider of policing services in the unincorporated area of every Florida county, and the county commission, special district or other legislative body cannot create its own police department in the unincorporated areas of the county. Specifically, section one amends the statutory duties and powers of sheriffs under s. 30.15, F.S., by:

- Clarifying that each county must have an elected sheriff and prohibiting the transfer of the sheriff's duties to another officer or office.
- Specifying that the sheriff has exclusive policing jurisdiction in the unincorporated areas of each county and concurrent jurisdiction with municipal or special district law enforcement agencies in the jurisdictions of those agencies.
- Prohibiting a county board of county commissioners, or other county legislative body, from maintaining or establishing a police department or other policing entity in unincorporated areas of the county.
- Providing that, unless otherwise authorized by state law, only the duly elected sheriff may provide such policing and police functions in the unincorporated areas of any county; and
- Prohibiting a county from contracting with or engaging in any manner with a municipal or special district law enforcement agency to provide any services provided by the sheriff, including policing or police functions, in the unincorporated areas of any county.

The bill provides that these duties do not inhibit the jurisdiction of any state or federal law enforcement agency and do not prohibit a sheriff from entering into mutual aid agreements with other law enforcement agencies.

Section 2



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Section two of the bill is applicable to the upcoming transition in Miami-Dade and provides a glidepath for the sheriff and the county to work together to ensure financial stability during the sheriff's first term in office. This will also ensure that the incoming elected sheriff has the tools and resources in place that he or she needs to effectively operate upon taking office. Specifically, section two creates s. 125.01015, F.S., codifying the constitutional requirement that each county have an elected sheriff and providing for the one-time transition from an appointed sheriff to an elected sheriff for a county. The bill requires the board of county commissioners to ensure the transfer of policing responsibility and authority to the sheriff in areas of the county in which the sheriff has jurisdictional responsibility. In order to ensure the transfer of exclusive policing responsibility and authority to the sheriff, the Board must:

- Prior to the election of the sheriff:
 - Develop and approve a budget for the sheriff for the fiscal year in which the election of the sheriff will be held and the sheriff will take office.
 - Conduct an inventory and audit of all assets, and any associated liabilities, of county departments that perform any function performed or administered by the elected sheriff and determine which of those assets and liabilities will be transferred to the office of the sheriff. The inventory and audit must be completed before the county adopts its budget for the fiscal year in which the sheriff will take office.
 - Provide funding in the budget approved by the county for the fiscal year in which the sheriff will take office to purchase all basic necessary operating equipment.
- After the election of the sheriff is certified:
 - Provide funding for all necessary staff and office space for the sheriff-elect.
 - Provide funding for the sheriff-elect to select any necessary insurance not provided by the county.
 - Provide funding for the establishment of bank and other accounts.
 - Provide funding for and facilitate procurement of required surety bonds for deputy sheriffs pursuant to s. 30.09, F.S.24
 - Prepare and deliver to the office of the sheriff all documents, property, and items that the sheriff must take receipt or possession of as required by law.
 - Provide the sheriff-elect taking office with and require the sheriff-elect taking office to use, not less than the substantially and materially same support services, facilities, office space, and information technology infrastructure provided to county offices or departments performing the duties to be performed by the sheriff-elect upon taking office in the one-year period before the sheriff-elect takes office.
 - The bill provides that under a cost allocation plan agreed to by the county and the sheriff-elect, and in the absence of any general law that expressly requires the county to fund the sheriff's budget, the sheriff, upon taking



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office, will pay the county for support services and information technology infrastructure.

- The bill directs the county and the sheriff to execute an interlocal agreement in order to ensure the sheriff will have and use support services, facilities, office space, and information technology infrastructure. Such interlocal agreements may not end earlier than September 30, 2028, but may be amended, renewed, extended, or newly adopted at any time following the expiration or termination of the agreement.
- After the election of the sheriff is certified but before the sheriff takes office, the bill requires the sheriff-elect to:
 - Hire personnel to assist the sheriff-elect in establishing an independent office of the sheriff.
 - Establish bank and other accounts in the sheriff's official capacity.
 - Obtain all necessary insurance or establish self-insurance unless the county provides such insurance under the interlocal agreement.
 - Evaluate the budget and transfer of equipment to determine whether the operating, capital, and personnel services budget is sufficient for the sheriff-elect to operate and fulfill his or her constitutional and statutory responsibilities.
 - Provide written notice of any funding deficiencies to the Board. The Board and the sheriff-elect must reach an agreement on funding within 30 days. If an agreement is not reached, the sheriff elect may file an appeal by petition to the Administration Commission using the same process as the appeal of a sheriff's budget.

Upon taking office, the sheriff must take receipt or possession of any unexecuted writs and court processes; property confiscated under the Florida Contraband Forfeiture Act; records, papers, documents, or other writings necessary for the sheriff to perform the sheriff's required duties; and property held in evidence by any county department relating to a case that is under the jurisdiction of the sheriff.

The bill provides in situations in which a county that is required to elect a sheriff and provides contracted police services to a municipality within the county before the sheriff-elect takes office, the sheriff must assume the contract upon taking office, but that the assumption of this contract does not prevent a municipality from establishing its own police department or provide authorized police services.

Section 3

Section three of the bill revises the budget appeal process to challenge funding reductions in a municipal law enforcement agency's budget to only allow a challenge if the reduction is more than five percent of the prior year's budget.



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Impact to Sheriffs: The law ensures that the integrity of the constitutional office of sheriff is upheld in Florida by making it clear under Florida law that every sheriff is the exclusive provider of policing services in the unincorporated area of every Florida county, and the BOCC cannot create its own police department in the unincorporated areas of the county. The bill will also ensure that when the new sheriff of Miami-Dade takes office on January 7, 2025, he or she will have the tools and resources in place to effectively operate his or her office.

Issue: County Constitutional Officers

Outcome: Passed, Chapter No. 2023-306

Effective: July 1, 2023

(HB 1373 Rep. Fernandez Barquin and SB 1490 Sen. Garcia (I))

The bill prohibits a county from creating or expanding the powers or authority of any office, special district, or governmental unit if the purpose of such creation or expansion is to exercise any power or authority allocated exclusively to a county constitutional officer by the Florida Constitution or general law. Under the bill, a county commissioner who votes in favor of a proposed ordinance for such a creation or expansion of powers is guilty of misfeasance or malfeasance in office. The bill also provides that if a county adopts such an ordinance, the state may withhold all or part of any distribution under local government revenue sharing, other than any distribution exclusively for school purposes or required for existing bond debt service, during the period such ordinance is in force.

Additionally, the bill authorizes a county constitutional officer or a resident of the county to bring an action in circuit court against a county that adopts such an ordinance. Under the bill, a court may enter a judgment awarding declaratory and injunctive relief, damages, costs, and reasonable



Sheriff Al Nienhuis, FSA President, thanks state leaders for their support during lunch at the 2023 Sheriffs Day at the Capitol

attorney fees to a prevailing county constitutional officer or resident of the county. A county is prohibited from including funding within its budget for any office, special district, or governmental unit that is exercising any power or authority allocated exclusively to a county constitutional officer by the Florida constitution or general law.

Impact to Sheriffs: The bill will further assist in implementing Amendment 10 by ensuring that no county commission can duplicate the powers or responsibilities of any of the five constitutional officers.



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Issue: **Rapid DNA**
Outcome: **Passed, Chapter No. 2023-234**
Effective: *July 1, 2023*

(HB 1105 Rep. Temple and SB 1140 Sen. Ingoglia)

The bill establishes the Rapid DNA Grant Program within the Florida Department of Law Enforcement to award grants to county jails or sheriffs' offices to purchase Rapid DNA machines and other supplies required to rapidly process DNA samples in support of the statewide DNA database. The bill requires the FDLE to annually award funds specifically appropriated for the grant program to county jails and sheriffs' offices. The bill allows FDLE to establish criteria and set specific time periods for the acceptance of applications and for the selection process for awarding grant funds.

Impact to Sheriffs: Sheriff's offices will be able to apply to the FDLE for funding (subject to availability) to assist in purchasing Rapid DNA machines for use in their jail and for other expenses associated with using a Rapid DNA machine, such as test kit samples.

Issue: **Automated License Plate Recognition Systems**
Outcome: **Passed, Chapter No. 2023-70**
Effective: *July 1, 2023*

(HB 1305 Rep. Abbott and SB 1250 Sen. DiCeglie)

The bill authorizes law enforcement to install, at DOT's discretion, automated license plate recognition systems (ALPRSs) within the right-of-way of a road on the State Highway System when installed at the request of a law enforcement agency for the purpose of collecting active criminal intelligence information or active criminal investigative information. Under the bill, an ALPRS cannot be used to issue a notice of violation for a traffic infraction or uniform traffic citation the installation must be done in accordance with DOT-developed placement and installation guidelines and must be removed within 30 days after DOT notified the requesting law enforcement agency that such removal must occur. Installation and removal are at the sole expense of the requesting law enforcement agency. Additionally, DOT is not liable for any damages caused to any person by the requesting law enforcement agency's operation of an ALPRS, and the bill prohibits retention of records containing images and data generated through use of an ALPR for longer than the maximum period provided in the applicable retention schedule.



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Impact to Sheriffs: The law will ensure that there is clarity under Florida law in terms of where law enforcement may install an ALPRS. Sheriff's offices will now be able to install an ALPRS on FDOT infrastructure with the approval of FDOT. Each sheriff's office will be responsible for paying for the installation and removal of the ALPRS, and each sheriff's office should make sure that the installation is done in accordance with DOT-developed placement and installation guidelines. Additionally, if FDOT requests an ALPRS be removed, your agency must ensure that the ALPRS is removed within 30 days. ALPRS can only be used for the purpose of collecting active criminal intelligence or investigative information and cannot be used to issue traffic citations.

Issue: **Brady List**

Outcome: **Passed, Chapter No. 2023-230**

Effective: *July 1, 2023*

(HB 95 Rep. Duggan and SB 618 Sen. Yarborough)

The bill addresses a Brady identification system, defined as a list or identification, in whatever form, of the names of law enforcement or correctional officers about whom a prosecuting agency is in possession of impeachment evidence as defined by decision, statute, or rule.

The bill prohibits an officer's employing agency from discharging, suspending, demoting, or otherwise disciplining an officer solely as a result of a prosecuting agency determining that the officer withheld exculpatory evidence or because his or her name was included in a Brady identification system. The bill does not prohibit an officer's employing agency from taking disciplinary action against the officer based on the underlying actions of the officer. If a collective bargaining agreement applies, the actions taken by the officer's employing agency must conform to the rules and procedures adopted by the collective bargaining agreement.

Under the bill, a prosecuting agency is not required to maintain a Brady identification system, and may determine that its obligations under Brady are better fulfilled through any such procedures that agency otherwise chooses to utilize. However, a prosecuting agency that maintains a Brady identification system must adopt written policies that, at a minimum, require the following rights:

- With some specified exceptions, receiving written notice, by mail or e-mail, to the officer's current or last known employing agency before or contemporaneously with the officer's name and information being included in a Brady identification system.
- Requesting reconsideration of the officer's inclusion in such system and submitting supporting documents and evidence. The bill contains procedural requirements when an officer is removed from a Brady identification system and authorizes the officer to petition the court for a writ of mandamus to compel the prosecuting agency to comply with requirements of the bill.



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Finally, the bill specifies that these rights and requirements do not:

- Require a prosecuting agency to give notice to or provide an opportunity for review and input from the officer if the information in a Brady identification system is a criminal conviction that may be used for impeachment or a sustained and finalized internal affairs complaint that may be used for impeachment;
- Limit the duty of a prosecuting agency to produce Brady evidence in all cases as required by law;
- Limit or restrict a prosecuting agency's ability to remove the name and information of an officer from the system if inclusion is no longer proper for identification; or
- Create a private cause of action against a prosecuting agency or its employees, other than the described writ of mandamus.

The officer's employing agency is responsible for forwarding all sustained and finalized internal affairs complaints relevant to impeachment to the prosecuting agency in the circuit where the employing agency is located to assist the prosecuting agency in complying with Brady obligations. The employing agency must also notify the officer of these complaints.

Impact to Sheriffs: The law does not require a prosecuting agency to maintain a Brady Identification System, but ensure there are guardrails and protections in place for officers if a prosecuting agency does have such a system. Officers will be notified by the prosecuting agency when they are placed on a Brady List and will have the opportunity to ask for reconsideration and submit supporting evidence, unless the information in a Brady identification system is a criminal



Sheriff Bob Gualtieri, FSA Legislative Chair, testifies in committee as a public safety subject matter expert

conviction or a sustained and finalized internal affairs complaint that can be used for impeachment. Each agency should ensure they provide all sustained and finalized internal affairs complaints relevant to impeachment to the prosecuting agency in their circuit.



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Additionally, agencies may not terminate or take any disciplinary action against an officer solely as a result of a prosecuting agency determining that the officer should be included in a Brady identification system. However, the employing agency may discharge or take any disciplinary action against the officer based on the officer's underlying conduct.

Prevention & Youth Services

Issue: **Problem Solving Courts**
Outcome: **Passed, Chapter No. 2023-191**
Effective: **July 1, 2023.**

(HB 1227 by Rep. Maney and SB 508 Sen. Rouson)

The bill revises three statutes that govern admission to, and participation in, the state's problem-solving courts. These include treatment-based drug court programs, pretrial intervention program for felony offenses and misdemeanor pretrial substance abuse education and treatment intervention programs. Specifically, the bill:

- Expands the eligibility criteria for a defendant to be admitted to a *substance abuse education and treatment intervention program* by no longer barring persons who were previously charged with a crime of violence.
- Expands who may be eligible for a *misdemeanor pretrial substance abuse education and treatment intervention program* to authorize a person charged with *any* misdemeanor offense to participate in such a program if he or she is also identified as having a substance abuse problem and has not previously been convicted of a felony.
- Expands the eligibility criteria for a defendant to be admitted to a *pretrial mental health court program* by no longer barring persons convicted of a felony.

Impact to Sheriffs: The bill may assist in providing individualized treatment to some offenders who would have previously been barred from participating in drug and mental health courts. However, by eliminating the misdemeanor qualifying offenses currently listed in statute and opening the criteria for participation in a substance abuse education and treatment intervention program to any person charged with a misdemeanor, but who has not previously been convicted of a felony, a defendant who is charged with a violent misdemeanor or a traffic-related misdemeanor will be eligible to participate.

Issue: **Mental Health**
Outcome: **Passed, Chapter No. 2023-270**



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(HB 1349 Rep. Melo and SB 1412 Sen. Bradley)

The bill makes several changes to ch. 916, F.S., regarding competency determination, treatment options, and restoration including (but not limited to):

- Requiring sheriffs to either administer, or permit the DCF to administer, psychotropic medication to forensic clients held in a jail awaiting admission to a state mental health treatment facility.
- Reducing the maximum amount of time defendants may wait to be transported out of a treatment facility to the committing court's jurisdiction, from 30 days to 7 days, once they have been evaluated competent to proceed or no longer meet commitment criteria.
- Requiring forensic facilities to transfer defendants back to the committing jurisdiction with up to 30 days of medication and assist in discharge planning with medical teams at the receiving county jail.

Impact to Sheriffs: Sheriffs will now have the option to allow DCF to administer psych meds to an inmate who is awaiting admission to a mental health facility. This will help stabilize defendants and create a smoother transition into the competency restoration process once a defendant is committed to a forensic facility. Additionally, the sheriff or the entity transporting the defendant to the committing jurisdiction must now take custody of the defendant within 7 days. This will help reduce the likelihood that the defendant will decompensate and will reduce the waitlist for other defendants in need of treatment. Finally, the bill will ensure that treatment facilities discharge the defendant with up to 30 days of medications and assist in discharge planning with medical teams at the receiving jail. This will ensure the defendant is provided continuity of care when returning back to the committing jurisdiction.

Issue: **Suicide Prevention**

Outcome: **Passed, Chapter No. 2023-252**

Effective: *July 1, 2023*

(HB 655 Rep. Trabulsy and SB 914 Sen. Garcia (I))

The bill renames the Commission on Mental Health and Substance Abuse (the Commission) as the Commission on Mental Health and Substance Use Disorder, and expands the duties of the Commission to analyze the current capacity of crisis response services throughout the State, to evaluate and make recommendations to improve linkages between Lifeline and crisis response services, and to identify funds that can be used to support crisis-response services. Significantly, the bill extends the statutory repeal date of the Commission from September 1, 2023, to September 1, 2026, and requires the Commission to submit interim reports, beginning January 1, 2023, annually thereafter through January 1, 2025, and a final report due September 1, 2026, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.



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The bill requires the Commission to include the findings of the suicide prevention study in the final report due September 1, 2026.

The bill allows affiliated first responder organizations, in addition to a first responder employing agency, to designate first responder peers for the purpose of providing peer support. The bill also permits diagnosis of post-traumatic stress disorder in first responders via telehealth for the purposes of obtaining workers' compensation benefits.

Impact to Sheriffs: The Commission, which was scheduled to sunset in September of this year, will now be extended through 2026. This will allow the Commission to continue to build upon the work they have already done in helping to address the mental health care system in Florida and develop solutions to help ensure those who have mental illness receive the services they need beyond the time that they are released from a mental health facility or jail. Additionally, first responders can now receive a diagnosis of PTSD for workers' compensation purposes through telehealth.

Public Safety

Issue: **Public Safety**

Outcome: **Passed. Chapter No. 2023-18**

Effective: *July 1, 2023, unless otherwise provided in the bill.*

(HB 543 Rep. Brannan and SB 150 Sen. Collins)

The bill authorizes a person to carry a concealed weapon or firearm pursuant to a valid concealed weapons license or without a concealed weapons license provided that the criteria for obtaining a license is met. The bill also addresses school safety by expanding the accessibility of safe-school officers, including the school guardian program, to private schools and requiring written active assailant response policies for each law enforcement agency.

Permitless Carry

The bill removes the requirement that a person obtain a permit to carry concealed. As such, it will no longer be necessary to apply for a CWL and complete the necessary background check, fingerprinting, or training provided they are eligible to receive and maintain a CWL. This means that for a person to carry concealed under the bill (without a CWL), the person:

- Must be at least 21 years of age;
- Must be a U.S. citizen, permanent resident alien or an eligible consular security official;
- Must not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;
- Has not been convicted of a felony;
- Has not been committed under Ch. 397 for abusing a controlled substance;



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- Does not chronically and habitually use alcoholic beverages to the extent that his normal faculties are impaired;
- Has not been adjudicated an incapacitated person in a guardianship proceeding. (*Note, MECOM database cannot be used for this purpose);
- Has not been committed to a mental institution under Ch. 394 (*Note, MECOM database can also not be used for this purpose);
- Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony, unless three years have lapsed since probation, or any other conditions set by the court have been fulfilled or the record has been expunged;
- Has not been issued an injunction that is currently in force and effect restraining the individual for committing act of domestic violence or acts of repeat violence (*FCIC data should contain this information);
- Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or Federal law;
- Has not had adjudication of guilt withheld or had imposition of sentence suspended for one or more crimes of violence constituting a misdemeanor, unless three years have elapsed since probation, or any other condition set by the court have been fulfilled or the record has been sealed or expunged.

A person who carries a concealed weapon or firearm without a CWL must carry valid identification at all times when he or she is in possession of the weapon or firearm and shall display the identification upon demand by a law enforcement officer. A violation of this provision is punishable as a noncriminal violation and a \$25 fine. An individual who has a CWL no longer needs to carry the actual CWL license in addition to identification.

Additionally, a person authorized to carry a weapon or firearm without a CWL may not carry the firearm or weapon in any location where a person with a CWL is not authorized to carry it. A violation is punishable as a second-degree misdemeanor. The locations include (but are not limited to) a police, sheriff or Highway Patrol station, any detention facility, or any place prohibited by federal law. Any person who knowingly and willfully carries a concealed firearm in an unauthorized location commits a second-degree misdemeanor.

Reciprocity

The bill also deletes the reciprocity requirement that limits recognition of a CWL issued by other states to only those states that honor a Florida CWL. Thus, a person who holds a CWL from any state will be authorized to carry a concealed weapon or concealed firearm while in Florida if such person is also at least 21 years old and a resident of the United States.

Open Carry



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The exemption for openly carrying a firearm in section 790.053 that currently applies to a CWL holder who *briefly and openly* displays a firearm to the ordinary sight of another person will also apply to a person who is authorized to carry a concealed firearm without a license. Otherwise, open carry is still not permitted, and the exemption does not apply if the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.

Private Conveyances

A person 21 years of older who satisfies the CWL criteria but does not have a CWL may carry a weapon or firearm on his or her person while traveling in a motor vehicle. However, a person 18 – 20 years of age may only carry a firearm in a vehicle if it is securely encased or otherwise not readily accessible for immediate use.

Current law precludes an employer from prohibiting an employee who has a CWL from possessing a legally owned firearm if it is lawfully possessed and locked inside or locked to a motor vehicle in a parking lot when the employee is lawfully in the parking lot. This statute is amended to afford the same rights to an employee who does not hold a CWL but otherwise qualifies for the license to possess a firearm that is locked in or to a vehicle in the employer's parking lot.

Off-duty Law Enforcement Officers

Section 790.052 (carrying concealed firearms by off-duty law enforcement officers) is amended to assure law enforcement officers that they have the same right to concealed carry off-duty as other citizens. As under current law, an officer's employing agency may establish policies that limit officers from carrying concealed weapons and firearms during off-duty hours.

School Guardians

School guardians are currently required by section 30.15(2)(k)2. to meet certain requirements in order to be eligible for certification by a sheriff who establishes a guardian program, including the requirement that a school guardian hold a concealed weapons license. The new legislation does not change this current requirement. Guardians are still required by section 30.15(2)(k)2. to possess a valid CWL.

School Safety

In 2018 legislation was enacted in response to the mass shootings at the Marjory Stoneman Douglas High School in Parkland. The bill updates the 2018 legislation, and several provisions of the new law are directly applicable to law enforcement.

Active Assailant Policy

The bill requires every law enforcement agency to develop an active assailant response policy by October 1, 2023. The policy must be consistent with the agency's response capabilities and



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include response procedures specifying command protocol and coordination with other law enforcement agencies. During the development of the policy, each law enforcement agency must review the model policy developed by the Commission, which was published on the FDLE's website on May 1, 2023. Additionally, each agency shall ensure that all of its sworn personnel have been trained on the policy within 180 days after the policy is established. All sworn personnel shall receive, at a minimum, annual training on the policy.

The head of each law enforcement agency must provide written certification to FDLE by October 1, 2023, that the agency has adopted a written active assailant response policy. FDLE shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2024, identifying each law enforcement agency that has not complied with the requirements. This provision of the bill took effect upon the signature of the Governor on April 3, 2023.

Safe-school Officers

The bill authorizes a private school to partner with a law enforcement agency or security agency to establish or assign safe-school officers. The private school is responsible for the cost of implementing such a program, including all training costs relating to a guardian program.

Threat Management

The bill expands the duties of the OSS to include the development of a statewide behavioral threat management operational process, a Florida-specific behavioral threat assessment instrument, and a threat management portal. The behavioral threat assessment instrument will be used to evaluate the behavior of students who may pose a threat to the school, school staff, or other students and to coordinate intervention for these students. The Office is also required to develop, host, maintain, and administer a threat management portal that will digitize the behavioral threat assessment instrument for use by each school district, school, charter school governing board, and charter school. The portal is also intended to facilitate the electronic threat assessment reporting and documentation required by the behavioral threat assessment instrument.

Safe Schools Canine Program

The new law, effective April 3, 2023, requires the Office to establish the Florida Safe Schools Canine Program to designate a person, school, or business entity as a Florida Safe Schools Canine Partner. A law enforcement agency may nominate a person, school, or business entity to be designated as a Florida Safe Schools Canine Partner. A school, person, or business entity may also apply to the Office for this designation, if a monetary or an in-kind donation is made to a law enforcement agency for the purchase, training, or care of a firearm detection canine.



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The canine must be trained to interact with children and must complete behavior and temperament training. The canine may also be trained as an animal-assisted therapy canine. The Office shall adopt procedures for the designation process of a Florida Safe Schools Canine Partner.

**For additional information, please see Sheriffs Legal Alert #2, issued by FSA's general counsel, Wayne Evans on May 1, 2023.*

Impact to Sheriffs: The significant change under the bill for law enforcement officers is that individuals who are eligible for a CWL, no longer need a CWL to carry concealed. This means that the criteria to carry a concealed firearm is the same to be eligible for a permit, including being a U.S. citizen, at least 21 years of age, cannot have any felony convictions, among the other criteria outlined above. The bill does not change who can purchase a firearm, the waiting period to purchase a firearm or where you can carry a firearm. All persons – regardless of whether they hold a CWL or not – who are carrying a concealed weapon or firearm, must carry an ID on their person and present that ID to law enforcement upon request.

Sheriffs should ensure they have a written active assailant response policy in place by October 1, 2023, and should ensure all sworn personnel are trained on the policy within 180 days of the policy being created or updated, and annually thereafter. Sheriffs may use the model active assailant policy created by the Marjory Stoneman Douglas High School Public Safety Commission which is available on the FDLE's website for reference in developing or updating your active assailant response policy. Sheriffs should also provide written certification to FDLE that they are in compliance with the law by October 1, 2023. Additionally, sheriffs can now train guardian in private schools, but each private school will be responsible for paying for the costs of the associated training.



Sheriff Nienhuis speaks at Speaker Renner's press conference in support of HB 543



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Issue: **Public Records: Safe-School Officers**

Outcome: **Passed, Chapter No. 2023-19**

Effective: *July 1, 2023.*

(HB 7025 by Rep. Brannan and SB 152 Sen. Collins)

The bill is linked to HB 543 and provides that any information that may identify whether a particular individual has been assigned as a safe-school officer pursuant to s. 1006.12, F.S., at a private school and that is held by a law enforcement agency is made exempt.

Impact to Sheriffs: Agencies must keep records described above as exempt from public record.

Issue: **OGSR/Marjory Stoneman Double High School Public Safety Commission/Safe-School Officers**

Outcome: **Passed, Chapter No. 2023-61**

Effective: *October 1, 2023.*

(HB 7029 by Rep. Jacques and SB 7022 Sen. Collins)

The bill saves from repeal the exemption from public meeting requirements relating to any portion of a meeting of the Marjory Stoneman Douglas High School Public Safety Commission at which exempt or confidential and exempt information is discussed. The bill also saves from repeal the exemption from public records disclosure requirements relating to any information held by a law enforcement agency, school district, or charter school that would identify whether a particular individual has been appointed as a safe-school officer.

Impact to Sheriffs: Agencies must keep records described above as exempt from public record.

Issue: **OGSR/School Safety Mobile Suspicious Activity Reporting Tool**

Outcome: **Passed, Chapter No. 2023-60**

Effective: *Took effect May 11, 2023, upon the signature of the Governor.*

(HB 7033 by Rep. Jacques and SB 7020 Sen. Collins)

The bill saves from repeal the current exemption from public records relating to the identity of the reporting party and any other information received through the mobile suspicious activity reporting tool and held by the FDLE, law enforcement agencies, or school officials.

Impact to Sheriffs: Agencies must keep records described above as exempt from public record.

Issue: **Emergency Response Mapping Data**

Outcome: **Passed, Chapter No. 2023-99**



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Effective: July 1, 2023.

(HB 301 by Rep. Alvarez and SB 212 Sen. Collins)

The bill creates the School Mapping Data Grant Program within the Department of Education (DOE) to provide standard emergency response mapping data for public school buildings in Florida to assist local first responders in responding to emergencies in public schools. If the school district chooses to use emergency mapping data, the school district can procure a vendor, in consultation with local law enforcement and public safety agencies, to provide such data and apply for funding through the grant program. The bill appropriates \$14 million in nonrecurring to the DOE to administer the grant program.

The bill also requires the mapping data to be provided in an electronic or digital format to assist first responders in responding to emergencies at schools and for conducting required active assailant drills. A vendor selected by a school district under the grant program is responsible for providing the data to the district and local law enforcement and public safety agencies. The bill also establishes minimum requirements for the data, including (but not limited to):

- Be compatible with software platforms used by local, state, and federal public safety agencies that provide emergency services to the specific school for which the data is provided without requiring such agencies to purchase additional software or requiring a fee to view or access the data.
- Be compatible with security software platforms in use by the specific school for which the data is provided without requiring the local law enforcement agencies or school districts to purchase additional software or requiring a fee to view or access the data.
- Be in a printable format.
- Be verified for accuracy by a walk-through of school buildings and grounds.
- Be oriented true north.
- Be overlaid on current aerial imagery.
- Contain site-specific labeling that matches the structure of school buildings, including room labels, hallway names, and external door or stairwell numbers and locations of hazards, critical utility locations, key boxes, automated external defibrillators, and trauma kits.
- Contain site-specific labeling that matches the school grounds, including parking areas, athletic fields, surrounding roads, and neighboring properties.
- Be overlaid with gridded x and y coordinates.

Impact to Sheriffs: This bill will ensure that school maps that law enforcement and other public safety agencies often rely on when responding to school emergencies are accurate, up to date and in an easily accessible format. This will assist law enforcement and public safety agencies in quickly responding to a critical incident at a school.



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Issue: **Electronic Monitoring of Persons Charged with or Convicted of Offenses Involving Schools or Students**

Outcome: **Passed, Chapter No. 2023-225**

Effective: *October 1, 2023.*

(HB 329 by Rep. Maggard and SB 496 Sen. Burgess)

The bill requires a court to consider whether it is appropriate to impose electronic monitoring and a prohibition on being within 1,000 feet of a school as a condition of pretrial release or a condition of probation or community control on a defendant charged with or convicted of a certain crime involving violence or a threat of violence at or against a school or against a student at school. These offenses include, but are not limited to, crimes such as possession or discharging a weapon or firearm on school property, making a written or electronic threat to kill or conduct a mass shooting, and threatening to discharge a destructive device.

Impact to Sheriffs: The bill may increase the frequency with which courts order electronic monitoring. As such, this may result in a higher number of individuals placed on electronic monitoring (both juveniles and adults) for certain school ground related offenses as specified above.

Issue: **Education**

Outcome: **Passed, Chapter No. 2023-102**

Effective: *July 1, 2023.*

(HB 443 Rep. Valdes and SB 986 Sen. Burgess)

The bill includes a number of provisions related to charter schools, including authorizing a charter school to give enrollment preference to students who are the children of a safe-school school officer assigned to the school.

Impact to Sheriffs: The bill will benefit the parents and children of safe-school officers, including school guardians, SROs and school safety officers.

Issue: **Catalytic Converters**

Outcome: **Passed, Chapter No. 2023-114**

Effective: *July 1, 2023.*

(HB 185 by Rep. Hawkins and SB 306 by Sen. Boyd)

The bill addresses the widespread increase in catalytic converter thefts across the state. The bill makes it a third degree felony to knowingly possess, purchase, sell, or install a stolen catalytic converter; a catalytic converter that has been removed from a stolen motor vehicle; a catalytic



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converter with a removed, altered, or defaced identification number; or a detached catalytic converter without proof of ownership. The bill provides an inference that a person who is in possession of two or more detached catalytic converters, unless satisfactorily explained, knows or should have known that the catalytic converters may have been stolen or fraudulently obtained. Additionally, it is a second degree felony for a person to knowingly import, manufacture, purchase for the purpose of reselling or installing, sell, offer for sale, or install, or reinstall in a motor vehicle a counterfeit catalytic converter, fake catalytic converter, or nonfunctional catalytic converter.

The bill also requires a registered secondary metals recycler who buys a detached catalytic converter to comply with recordkeeping requirements and is subject to criminal penalties for noncompliance. A secondary metals recycler is prohibited from processing or removing from the recycler's place of business a detached catalytic converter the recycler has purchased for a period of 10 business days after the date of purchase. However, the prohibition does not apply to a purchase from another secondary metals recycler, a salvage motor vehicle dealer, or an exempt person or entity.

Impact to Sheriffs: The bill will give law enforcement the tools they need to arrest and charge a criminal who buys or sells a stolen catalytic converter.

Issue: **Controlled Substances**
Outcome: **Passed, Chapter No. 2023-196**
Effective: *July 1, 2023*

(HB 365 Rep. Plakon and SB 280 Sen. Brodeur)

The bill revises elements of murder offenses, providing criminal penalties for adults who unlawfully distribute specified substances or mixtures that result in an overdose or serious bodily injury of the user and provides enhanced criminal penalties for repeat offenders.

Specifically, the bill revises the causation requirement for the first degree murder offense relating to death from unlawful distribution of a controlled substance or mixture. As revised, the unlawful distribution occurs when the controlled substance is proven to have caused, or is proven to have been a *substantial factor* in producing, the death of the user. "Substantial factor" means the use of the substance or mixture alone is sufficient to cause death, regardless of whether any other substance or mixture used is also sufficient to cause death.

Additionally, a person commits third degree murder if he or she unlawfully kills a human being, without any design to effect death, while perpetrating or attempting to perpetrate any felony *other* than a felony listed in s. 782.04(4), F.S. (a person who causes another's death by distributing



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one of these controlled substances cannot be prosecuted for third degree murder because he or she can already be prosecuted for first degree murder).

The bill also makes it a second degree felony or a first degree felony (second or subsequent offense) for an adult to unlawfully distribute heroin, fentanyl, an analog or mixture, when the substance is proven to have caused or been a substantial factor in causing the overdose or serious bodily injury of the user. A violation occurs regardless of whether the distribution is made directly or indirectly through another person.

Under the bill, the administration of medical care by an emergency responder, including a law enforcement officer, a paramedic, or an EMT is prima facie evidence that the person receiving medical care experienced an overdose or serious bodily injury. Additionally, a person who experiences, or has a good faith belief that he or she is experiencing, an alcohol-related or drug-related overdose and receives medical assistance, or a person acting in good faith who seeks medical assistance for an individual experiencing, or believed to be experiencing, an alcohol-related or drug-related overdose, is afforded the protections provided under the Good Samaritan Act (s. 893.21, F.S.)

Impact to Sheriffs: Revising the causation standard simplifies the prosecution of these types of cases by requiring a prosecutor to prove only that a victim had a lethal amount of a controlled substance in his or her system. This eliminates the current requirement that a prosecutor prove the controlled substance caused a victim's death to the exclusion of other possible combinations of controlled substances or alcohol. This will allow law enforcement to effectively prosecute drug dealers who are selling these dangerous drugs and killing individuals at an increasing rate across the state. Additionally, sheriffs should also be aware that the Good Samaritan Act still applies even in fentanyl overdose cases so long as the person overdosing or the person who provided the drug containing fentanyl calls for medical assistance.

Issue: **Controlled Substance Testing**

Outcome: **Passed, Chapter No. 2023-297**

Effective: *July 1, 2023.*

(HB 165 Rep. Hunschofsky and SB 164 Sen. Polsky)

The bill decriminalizes the use of Fentanyl test strips. Specifically, the bill excludes narcotic-drug-testing products that are used solely to determine whether a controlled substance contains fentanyl from the definition of "drug paraphernalia".



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Sheriffs from all across the state came to the Capitol as one unit to inform state leaders about the importance of legislation that will impact public safety

Impact to Sheriffs: Law enforcement will no longer be able to arrest a person for possessing or using a fentanyl test strip kit. However, officers can continue to arrest a person who possess a narcotic drug-testing product that can measure or determine the quantity, weight, or potency of a controlled substance.

Issue: **Opioid Abatement**

Outcome: **Passed, Chapter No. 2023-184**

Effective: *July 1, 2023.*

(HB 783 Rep. Caruso and SB 704 Sen. Boyd)

The bill creates the Statewide Council on Opioid Abatement within DCF to enhance the development and coordination of state and local efforts to abate the opioid epidemic and expands access to opioid antagonists by broadening the definition of a “caregiver.” The bill also requires each Florida College System institution and state university to store a supply of emergency opioid antagonists in each dormitory.

Impact to Sheriffs: The bill may assist in preventing deaths among opioid users by allowing more caregivers to obtain Narcan by removing the requirement that a caregiver have recurring, rather than *any*, contact with a person at risk of overdose.

Issue: **Offenses Involving Fentanyl or Fentanyl Analogs**

Outcome: **Passed, Chapter No. 2023-26**

Effective: *October 1, 2023.*

(HB 1359 Rep. Abbott and SB 1226 Sen. Burgess)



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The bill increases penalties on fentanyl and other drug related crimes when the drug looks like a piece of candy which targets children. Specifically, the bill provides that it is a first degree felony with a 3-year mandatory minimum term of imprisonment if a person sells, manufacturers, possesses with intent to sell or delivers fentanyl if it looks like candy, cereal, gummies, vitamins, or gum; has a cartoon character imprinted on it; looks like a branded food product; or incorporates a real or fake copyright or trademark. The bill also amends the drug trafficking statute to require a mandatory minimum term of not less than 25 years and not exceeding life imprisonment and a \$1 million fine if a person 18 years of age or older is convicted of trafficking in dangerous fentanyl or fentanyl analogues by knowingly selling or delivering to a minor at least four grams of fentanyl or a fentanyl analog if the substance or a mixture has any of the attributes listed above.

Impact to Sheriffs: The bill will help law enforcement arrest and prosecute fentanyl dealers and manufacturers targeting children.

Issue: **Special Persons Registry**
Outcome: **Passed, Chapter No. 2023-312**
Effective: *January 1, 2024*

(HB 1275 by Rep. Plasencia and SB 784 by Sen. Burgess)

The bill authorizes (but does not require) a local law enforcement agency to develop and maintain a Persons with Disabilities Registry and establishes uniform requirements for the operation of such a registry by law enforcement agencies. Registries may include individuals who have a developmental, psychological, or a disability or condition that may be relevant to their interactions with law enforcement officers. The bill authorizes a local law enforcement agency to provide access to a registry, and relevant information from the registry to law enforcement officers. The bill also authorizes a local law enforcement agency to provide access to its disability registry to law enforcement officers engaged in official duties.

Enrollment

If a law enforcement agency has a registry, they must ensure that individuals are enrolled in, and disenrolled as follows:

- An adult may enroll and disenroll themselves;
- An incapacitated adult with a disability may be enrolled and disenrolled by that adult's legal guardian — **the local law enforcement agency must notify such adults of their enrollment in writing within 5 business days;** and
- A minor may be enrolled and disenrolled by that minor's parent or legal guardian—**the local law enforcement agency must notify such individuals of enrollment in writing within 5 business days of the enrollee's 18th birthday.**



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A parent or legal guardian of a child or an incapacitated adult must provide documentation (birth certificate, power of attorney, court order establishing parental rights or letters of guardianship) of the legal authority to enroll the child or incapacitated adult in a registry.

Removal

A registration is valid until the person is removed from the registry. A minor or an incapacitated individual may be removed from the registry by his or her parent or legal guardian. A competent person who is 18 years old may remove himself or herself from the registry. **Upon a verbal or written request for removal of a person from the registry, a local law enforcement agency must remove an individual's information from the registry within five business days after the request is made.**

Impact to Sheriffs: Sheriff's offices are not required to have a registry, but may do so if they choose. If your office chooses to create a registry or currently has a registry in place, you should ensure you comply with the time requirements for notifying an individual who has been placed on a registry and for removing a person who has requested to be removed. The information provided to law enforcement officers under the bill may assist officers in their official duties by preparing them with important information prior to their interactions with an individual enrolled in the registry who has a relevant disability or condition.

Issue: **Public Records/Special Persons Registry**

Outcome: **Passed, Chapter No. 2023-313**

Effective: *January 1, 2024*

(HB 1277 by Rep. Plasencia and SB 786 by Sen. Burgess)

The bill creates an exemption from the public records requirements for the records, data, information, correspondence, and communications relating to the enrollment of individuals on the Persons with Disabilities Registry. The bill also applies the exemption to any locally maintained registry that is substantially similar to the Persons with Disabilities Registry held by a local law enforcement agency before, on, or after the effective date of the bill (January 1, 2024). Such information may be disclosed upon a showing of good cause before a court of competent jurisdiction, or in furtherance of the official duties and responsibilities of the agency holding the information, to a law enforcement agency, a county emergency management agency, a local fire department; or another local, state, or federal agency.

Impact to Sheriffs: Agencies must ensure that if they keep or receive information from a Persons with Disabilities Registry, to maintain the exempt status of the information.

Issue: **Pretrial Detention and Hearings**

Outcome: **Passed, Chapter No. 2023-27**



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Effective: January 1, 2024

(HB 1627 Rep. Garrison and SB 1534 Sen. Martin)

The bill makes several changes to strengthen public safety, including supporting pre-trial detention, establishing a uniform bond schedule that all state courts must follow, limiting who is eligible for release prior to first appearance, and requiring a detention hearing be held prior to trial for dangerous crimes.

Bond Schedules

The bill requires the Florida Supreme Court (FSC) to adopt a uniform statewide bond schedule by January 1, 2024, for all criminal offenses except those offenses which require a defendant to be detained until first appearance. For those offenses that require a defendant to be detained until first appearance, only a judge may set, reduce, or otherwise alter a defendant's bail. The chief judge of a judicial circuit may establish a local bond schedule that is higher than the uniform bond schedule, **but must petition the FSC for approval of a local bond schedule that sets a lower bond amount than that required by the uniform statewide bond schedule.**

First Appearance

Additionally, the bill provides circumstances in which a person may not be released before a first appearance hearing. Under the bill, a defendant may not be released prior to his or her first appearance for an enumerated list of offenses, including, but not limited to the following:

- Was on pretrial release, probation, or community control at the time of arrest for a felony;
- Was designated as a sexual offender or sexual predator in this state or any other state at the time of arrest.
- Is a repeat offender, such as a habitual violent offender, has been sentenced as a prison released reoffender, three-time violent felony offenses or violent career criminal.
- **Has been arrested three or more times in the six months immediately preceding his or her current arrest.**
- Was arrested for a capital, life, first degree or second degree felony, a homicide, trafficking in a controlled substance, possession of a firearm by a felon, child abuse, failing to appear at a court proceeding while on bail, among other offenses.

Pretrial Detention

The bill also prohibits a court from granting nonmonetary pretrial release at a first appearance hearing to a defendant who is arrested for a dangerous crime if the court determines there is probable cause to believe the defendant committed the offense. The bill also adds DUI and BUI manslaughter, trafficking in fentanyl, extortion, and written threats to kill, to the list of dangerous crimes that may subject a defendant to pretrial detention.



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If a defendant is arrested for a dangerous crime that is a capital felony, a life felony, or a felony of the first degree, and the court determines there is probable cause to believe the defendant committed the offense, the state attorney, or the court on its own motion, shall motion for pretrial detention. A court must order pretrial detention if he or she finds a substantial probability a defendant committed the offense, and based on a defendant's past and present patterns of behavior, consideration of the criteria used for determining bail, and any other relevant facts, the court finds that no conditions of release or bail will reasonably protect the community from risk of physical harm, ensure the presence of the defendant at trial, or assure the integrity of the judicial process.

Additionally, the bill provides that **when a person charged with a crime for which pretrial detention could be ordered is arrested, the arresting agency may detain the defendant prior to his or her first appearance.** If a defendant is arrested for a dangerous crime that requires a court or a state attorney to file a motion for pretrial detention, the pretrial detention hearing must be held within five days of a defendant's first appearance hearing or, if there is no first appearance hearing, within five days of the defendant's arraignment.

Pretrial Release

Under the bill, a court must consider the same factors used in determining bail when determining whether to impose nonmonetary conditions of pretrial release in addition to or in lieu of a monetary bond, and provides for a non-exclusive list of nonmonetary conditions that may be imposed, including but not limited to, refraining from possessing a firearm or dangerous weapon, complying with a curfew, maintaining employment, refraining from excessive use of alcohol or drugs, among other criteria. A court may revoke pretrial release and order pretrial detention if a person on pretrial release violates any condition of pretrial release in a material respect.

Impact to Sheriffs: The law will guarantee that dangerous criminals are required to see a judge before they are released and that only judges can set, reduce, or alter bond. Sheriffs who run their jail may see an increase in the number of inmates held prior to their first appearance. In particular, the provision of the bill that requires a person be held until they are seen by a judge if they have been arrested three or more times in the previous six months could *temporarily* increase your inmate population. However, this will ensure that those repeat criminals are held until they are seen by a judge where their bond will be individually set.

Issue: **Firearm and Destructive Device Offenses**

Outcome: **Passed, Chapter No. 2023-87**

Effective: *October 1, 2023.*

(HB 1465 by Rep. Garrison and SB 1456 Sen. Avila)



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The bill increases penalties for repeat firearm offenses and imposes mandatory minimum terms of imprisonment for human traffickers if a firearm was involved. Under the bill, a second or subsequent conviction for grand theft of a firearm is punishable as a second degree felony and ranked as a level 7 in the OSRC. The bill also increases the ranking in the OSRC for grand theft of a firearm from a level 4 to a level 6 offense.

Additionally, the bill enhances the detention assessment process and secure detention period for juveniles who unlawfully possess or use firearms. Specifically, the bill revises the Detention Risk Assessment Instrument (DRAI) to consider a juvenile's *use* of a firearm, in addition to his or her possession of a firearm to determine whether a juvenile should be placed in secure detention. The bill also requires that a juvenile who is charged with *any offense involving the possession or use of a firearm* to be held in secure detention until the juvenile's detention hearing.

The bill increases the time a court may order a juvenile to serve in secure detention if the juvenile unlawfully possesses a firearm for up to five days for a first violation (increased from up to three days), and from up to 15 days to up to 21 days for a repeat violation. The bill also requires that a juvenile's unlawful use of a firearm be considered in all determinations and court orders regarding the use of detention care.

Finally, the bill revises the length of detention under s. 985.26, F.S. and specifies that if upon good cause being shown to warrant an extension or based on the totality of the circumstances, a court may extend the length of secure detention care for up to an additional 21 days if a juvenile is charged with *any offense involving the possession or use of a firearm*.

Impact to Sheriffs: The bill includes a host of positive changes under the law to help combat gun crime in the State. Increasing penalties for gun theft and making sure that violent human traffickers are subject to the 10-20-Life statute will deter criminals from committing similar crimes and will ensure those who do, are adequately punished. Additionally, the bill addresses gun crimes among juveniles to help close loopholes in the current law by ensuring that juveniles who are charged with a gun crime are held in secure detention until they see a judge and that juveniles who are charged with possessing a gun will be subject to longer lengths of detention. The bill also allows a judge to order a juvenile be held for more than the current 21-day max so that juveniles who are charged with an offense involving a firearm are not released back out onto the streets before the disposition of their case.

Issue: **Protection of Specified Personnel**

Outcome: **Passed, Chapter No. 2023-194**

Effective: **October 1, 2023.**

(HB 67 Rep. Gottlieb and SB 174 Sen. Polsky)



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There has been an increasing number of threats made against judicial assistants and other court officials. However, these individuals and their family members currently do not receive the same protections under the law as law enforcement officers, state attorneys, assistant state attorneys or judges and their family members. The bill expands the scope of personnel protected from threats made *knowingly and intentionally* of serious bodily harm under to include justices, judicial assistants, clerks of court, clerk personnel and family members of such persons. The bill also creates a new first degree misdemeanor offense to prohibit a person from knowingly and willfully *harassing* a law enforcement officer, a state attorney, an assistant state attorney, a firefighter, a judge, a justice, a judicial assistant, a clerk of court, clerk personnel, or an elected official, with the intent to intimidate or coerce such a person to perform or refrain from performing a lawful duty. "Harass" is defined to mean to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose.

Impact to Sheriffs: The law provides the same protections that current law extends to law enforcement officers, state attorneys, assistant state attorneys, firefighters, judges, elected officials or their family members to judicial assistants, clerks of court, clerk personnel if a person knowingly and willfully threatens them or their family members. The law also provides an additional layer of protections for anyone who harasses any of the above-referenced individuals, including by making harassing phone calls.

Issue: **Victims of Crime**

Outcome: **Passed, Chapter No. 2023-148**

Effective: *July 1, 2023.*

(HB 667 Rep. Baker and SB 510 Sen. Burgess)

The bill requires that a crime victim be notified that he or she has the right, if contacted, to obtain information relating to a criminal proceeding by an attorney, investigator, or any other agent acting on behalf of the criminal defendant, to be informed of the person's name and employer and that the person is acting on behalf of the defendant. The bill also requires a court to conduct a hearing to determine whether it is appropriate to take a deposition of a victim of a sexual offense who is under 16 years old.

Impact to Sheriffs: The bill protects crime victims from being contacted by a defendant's attorney or other representative acting on behalf of the defendant in a way that misrepresents themselves which might lead the victim to believe the person is acting as part of the prosecution's team. **Law enforcement agencies should ensure they include this new right on the victim information card.**

Issue: **Violent Offenses Committed Against Criminal Defense Attorneys**

Outcome: **Passed, Chapter No. 2023-190**

Effective: *July 1, 2023.*



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(HB 71 Rep. Maney and SB 384 Sen. Bradley)

The bill increases penalties for certain enumerated violent offenses committed against a public defender or a regional counsel acting in his or her capacity as defense counsel or against a court-appointed counsel or a defense attorney in a criminal proceeding acting in his or her capacity as defense counsel.

Impact to Sheriffs: The bill fixes an oversight in Florida law that punishes courtroom aggression less if it's aimed at lawyers representing a defendant in a criminal trial. The bill will ensure that if a defendant commits an enumerated violent offense against a public defender, defense attorney or regional counsel, he or she will be subject to longer prison sentences.

Issue: **Emergency Communications**

Outcome: **Passed. Chapter No. 2023-55**

Effective: *July 1, 2023.*

(HB 745 by Rep. McFarland and SB 1418 Sen. Bradley)

The bill amends Florida law to support and reflect the transition from enhanced 911 (E911) to Next Generation 911 (NG911), to revise legislative intent regarding such services, and to revise the composition, name, duties, and meeting frequency of the current E911 Board (renamed as the "Emergency Communications Board"). The bill also expands and clarifies the list of items that may be funded with E911 fee disbursements. Additionally, the bill modifies the statutory allocation of E911 fee revenues in the wireless category to more closely match the actual allocation approved by the Board and eliminates the small remaining allocation to wireless service providers. Finally, the bill requires the Division of Telecommunications (Division) to develop a plan by December 30, 2023, to upgrade all 911 public safety answering points within the state to allow for interjurisdictional transfers of emergency calls by December 30, 2033.

The Emergency Communications Board (Board)

Under the bill, the purpose of the Board is to:

- Promote interoperability between PSAPs by providing guidance and direction to counties and state agencies that operate 911 centers for the deployment of emergency communications infrastructure and the handling of emergency communications information, such as voice, text, data, and images, from receipt at a PSAP to dispatching to responders;
- Establish and administer allocations from the Fund dedicated to investing in public safety communications and technology for 911; and
- Provide technical assistance and guidance to rural counties as needed.



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The bill reduces the number of Board members from eleven to nine, one of whom must be the system director. The remaining eight members of the Board must be Florida residents and appointed by the Governor. Four of those members must be county 911 coordinators, with consideration given to rural, medium, and large counties. The remaining four members must represent fields including, but not limited to, law enforcement, fire response, emergency medical services, 911 coordination, public safety dispatch, and telecommunications. **Under the bill, the Florida Sheriffs Association, the Florida Police Chiefs Association, and the Florida Association of Counties, in consultation with the county 911 coordinators, may provide recommendations to the Governor for the appointment of board members.**

The Board is also given the additional responsibility of advocating and developing policy recommendations to ensure interoperability and connectivity between public safety communication systems within the state. Under the bill, the Board is also responsible for administering the Public Safety Emergency Communications Systems Fee (formerly the “E911” fee), including receiving revenues, distributing portions of the revenues, accounting for the moneys maintained in the fund, and providing annual reports for review and submission to the Governor and the Legislature.

Public Safety Emergency Communications Systems Fee

The bill makes the Public Safety Emergency Communications Systems Fee a uniform, statewide fee, removing an exception for counties that, before July 1, 2007, had adopted a different fee.

*Three counties (Duval, Lee, and Volusia) will see a slight reduction in fee revenues from their local exchange carriers (LECs). Currently, Duval and Lee receive \$0.44 and Volusia \$0.41 per subscriber from their LECs and \$0.40 from VoIP, wireless, and prepaid providers. All other counties receive \$0.40 across the board. This legislation will bring Duval, Lee, and Volusia counties into alignment with the rest of the state. The decrease in revenue for these counties will be mitigated by the increase of wireless and VoIP subscribers as LEC subscribers upgrade to newer technology.

Authorized Expenditures

For purposes of expenditures of Fee revenues, the bill states that emergency communications and 911 service include functions relating to the receipt and transfer of requests for emergency assistance. The bill updates the costs that are eligible for expenditure of Fee revenues and requires that these costs be attributable to emergency communications equipment and services related to a primary or secondary PSAP. The bill adds the following to the list of eligible costs:

- NG911 telecommunications systems;
- Emergency Services IP Networks;
- Interfaces, including hardware and software, for public safety Land Mobile Radio systems (LMR) and radios consoles that provide two-way communication with responders, and in-building coverage;



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- Cybersecurity, including hardware, software, and services;
- Salary and associated expenses for emergency dispatchers;
- Training costs for dispatchers in proper methods and techniques used in taking and transferring 911 calls;
- Costs to educate the public regarding 911 and radio service or NG911 equipment; and
- Expenses required to develop and maintain all information, including call taker access to smart city technology data, public safety broadband networks, and other information directly relevant to the processing of a request for emergency assistance.

Additionally, under the bill, **changes, modifications, or upgrades to the emergency communications systems or services must be made in cooperation with the head of each law enforcement agency served by the primary Public Safety Answering Point (PSAP) in each county.**

Impact to Sheriffs: The law will make several important changes to help make the final transition to NextGen 911. The law will ensure that law enforcement is included in discussions with the county regarding major changes to the emergency communications system by specifying a collaborative approach the county must follow when making such changes. Additionally, sheriffs and police chiefs will have a seat at the table on the EC Board as both the FSA and the FPCA will now be able to make recommendations to the Governor for board member appointments.

Issue: **Public Safety Emergency Communications Systems**

Outcome: **Passed, Chapter No. 2023-296**

Effective: *July 1, 2023.*

(HB 1575 Rep. Brackett and SB 1614 Sen. Rodriguez)

The bill creates a framework for determining whether an enhancement system must be installed in a new or existing building and specifies a list of items a local authority having jurisdiction (LAHJ) may require, including the installation of an enhancement system in a new or existing building if the interior of the building does not meet the minimum radio signal and an assessment of a new or existing building's interior radio coverage and signal strength to determine whether an enhancement system is needed.

Impact to Sheriffs: The bill ensures there is a uniform framework for determining whether an enhancement system must be installed in a new or existing building and will require LAHJ's with noncompliant systems to upgrade their systems if they wish to use assessments to require installation of signal enhancement systems.



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Issue: **Transportation**

Outcome: **Passed, Chapter No. 2023-197**

Effective: *July 1, 2023.*

(HB 425 Rep. Andrade and SB 64 Sen. Hooper)

The bill expands Florida's Move Over Law by adding a disabled motor vehicle that is stopped and is displaying warning or hazard lights, or that is stopped and is using emergency flares or posting emergency signage, or that is stopped, and one or more persons are visibly present. Under the bill, other motorists will be required to move over for such disabled motor vehicles. A violation remains a noncriminal traffic infraction punishable as a moving violation.

Impact to Sheriffs: The law will increase safety for drivers pulled over on the side of the road, including broken-down vehicles, by requiring drivers to slow down and move over.

Issue: **Natural Emergencies**

Outcome: **Passed, Chapter No. 2023-304**

Effective: *July 1, 2023.*

(HB 7057 Rep. Giallombardo and SB 250 Sen. Martin)

The bill makes various changes to provide additional tools to assist state and local governments with preparation for and response to future natural emergencies occur in the state. The bill includes significant policy reforms as well as roughly \$62 million in funding and spending authority. Specifically, the bill:

- Requires the Division of Emergency Management to prioritize technical assistance and training to fiscally constrained counties on aspects of preparedness, response, recovery, and mitigation (effective upon becoming a law).
- Provides clarification regarding the 45-day grace period following a hurricane in which owners must bring a derelict vessel into compliance before being charged with a violation. Under the bill, a person who owns or operates a vessel that becomes derelict upon state waters solely as a result of a hurricane, or another sudden event outside of his or her control has an extended 45-day deadline to bring derelict vessels into compliance or remove them from state waters. Final removal and destruction of the vessel may only occur if the vessel remains derelict after the completion of the procedure process and the end of the 45-day grace period.
- Makes the Local Government Emergency Bridge Loan Program a revolving program and makes funds available for local governments impacted by federally declared disasters until July 1, 2038. The bill appropriates \$50 million for the 2023-2024 fiscal year.



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- Authorizes DEM to administer the Federal Safeguarding Tomorrow through Ongoing Risk Mitigation (STORM) Act, a revolving loan program for local government hazard mitigation projects and appropriates a total of \$11 million for the program.

Impact to Sheriffs: The bill will provide additional funding for assisting local governments with mitigating and responding to hurricanes and other natural disasters.

Issue: **Family and Household Members of Homicide Victims and Deceased Minors**

Outcome: **Passed, Chapter No. 2023-109**

Effective: *July 1, 2023.*

(HB 233 Rep. Michael and SB 490 Sen. Jones)

The bill requires that during the investigation of the death of a minor, the law enforcement agency that initiates or bears the primary responsibility for the investigation must provide the minor's next of kin with the contact information for the primary contact for investigation; the case number; a list of the minor's personal effects found on or with the minor and information on how the minor's next of kin can obtain those personal effects; and information regarding the status of the investigation at the discretion of the law enforcement agency. The law enforcement agency is not required to provide any of the above information if doing so would jeopardize or otherwise interfere with an active investigation, or to provide investigative records generated during its investigation to a minor's next of kin for inspection.

Impact to Sheriffs: Sheriffs should be aware of the above listed information that should be provided to a minor victim's next of kin. However, any of the above information should not be provided if it would jeopardize an active investigation.

Issue: **Public Nuisances**

Outcome: **Passed, Chapter No. 2023-24**

Effective: *Took effect on April 28, 2023, upon the signature of the Governor.*

(HB 269 Rep. Caruso and SB 994 Sen. Calatayud)

The bill makes several changes under Florida law to crack down on antisemitism and hate crimes. Specifically, the bill makes it a first degree misdemeanor to intentionally dump litter onto private property for the purpose of intimidating or threatening the owner, resident, or invitee of such property. However, if such litter contains a credible threat, the violation is a third degree felony. A "credible threat" includes a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person who is the target of the threat in reasonable fear for his or her safety or the safety of his or her family members or individuals closely associated with the person, and which is made



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with the ability to carry out the threat to cause harm. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat.

Under the bill, it is a first-degree misdemeanor to:

- Willfully and maliciously harass or intimidate another person based on the person's wearing or displaying of any indicia relating to any religious or ethnic heritage. However, if the violator, in the course of committing the violation, makes a credible threat to the person who is the subject of the harassment or intimidation, the violation is a third-degree felony.
- Knowingly and intentionally display or project, using any medium, an image onto a building, structure, or other property without the written consent of the owner of the building, structure, or property. However, if the image contains a credible threat, the violation is a third-degree felony.

The bill also creates a new trespass offense, punishable as a first degree misdemeanor, if a person who is not authorized, licensed, or invited, willfully enters state university or Florida College System institution campus to threaten or intimidate another person, and after a warning to depart, refuses to do so institution to depart and refuses to do so.

The bill also prohibits a person from willfully *and* maliciously interrupting or disturbing any school or assembly of people who meet for the worship of God, any assembly met for the purpose of acknowledging the death of an individual, or any other lawful purpose. The bill increases the penalty for a violation from a second-degree misdemeanor to a first degree misdemeanor; and provides that it is a third degree felony if the violator makes a credible threat.

Finally, the bill requires a violation of any provision of the bill that is reclassified under s. 775.085, F.S., to be reported as a hate crime.

Impact to Sheriffs: The bill provides law enforcement with new enforcement mechanisms to punish perpetrators of antisemitic incidents and those who target religious communities.

Issue: Interfering with Sporting or Entertainment Events

Outcome: Passed, Chapter No. 2023-195

Effective: October 1, 2023.

(HB 319 by Rep. Yarkosky and SB 764 Sen. Simon)

Under current law, there is generally not an enhanced penalty when a person runs onto the playing field at a sporting event, or any other criminal offense, is committed at an athletic competition or entertainment event. The bill creates a new statute to prohibit a person from:



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- Intentionally touching or striking a covered participant during a covered event against the will of the covered participant, or intentionally causing bodily harm to a covered participant during a covered event; or
- Willfully entering or remaining in a restricted area during a covered event without being authorized, licensed, or invited to enter or remain in such a restricted area.

A violation of any of these provisions is punishable as a first-degree misdemeanor and a maximum fine of \$2,500. A person who solicits another person to violate any of these provisions by offering money or any other thing of value to such person to engage in specific conduct that constitutes such a violation commits a third-degree felony. Additionally, the bill prohibits a person from profiting or benefiting, whether directly or indirectly, from any violation, and provides any such profit or benefit payable to or accruing to a person convicted of violating the provisions of the bill is subject to seizure and forfeiture under the Florida Contraband Forfeiture Act (FCFA).

Impact to Sheriffs: Under current law, the conduct prohibited by the bill would likely be prosecuted as a battery or trespass, which are both crimes punishable as a first-degree misdemeanor with a maximum fine of \$1,000. The bill creates a new crime with a maximum fine of \$2,500. Thus, offenders who are convicted of interfering with a sporting or entertainment event may be fined a greater amount than is authorized under current law. Under the bill, any profit or benefit a person receives from interfering with a sporting or entertainment event is subject to seizure and forfeiture under the FCFA. In most cases, proceeds from a forfeiture under the FCFA are retained by the seizing agency. To the extent that persons convicted of interfering with a sporting or entertainment event are profiting from committing the offense and such profits are forfeited under the FCFA, a seizing agency may see a positive fiscal impact.

Issue: Solicitation of Minors to Commit Lewd or Lascivious Act

Outcome: Passed, Chapter No. 2023-123

Effective: October 1, 2023.

(HB 431 Rep. Baker and SB 486 Sen. Bradley)

The bill creates a new statute to specify a person 24 years of age or older who solicits a person who is 16 or 17 years of age in writing to commit a lewd and lascivious act commits a third-degree felony.

Impact to Sheriffs: The bill will allow law enforcement to arrest individuals 24 or older who solicit a 16 or 17 year old *in writing*, regardless of the medium of the writing, to commit a lewd and lascivious act.



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Issue: Custody and Supervision of Specified Offenders

Outcome: Passed, Chapter No. 2023-146

Effective: July 1, 2023.

(HB 537 Rep. Silvers and SB 528 Sen. Davis)

The bill makes attempted sexual misconduct criminals ineligible for certain types of gain-time and prohibits a reduction in the term of supervision for probationers or offenders in community control that have been convicted of an offense that is a predicate offense for designation as a sexual predator or sexual offender. Additionally, the bill requires a court to impose:

- Additional terms and conditions of probation or community control for offenders whose crime was committed on or after July 1, 2023, for attempting, soliciting, or conspiring to commit certain sexual offenses.
- Electronic monitoring for offenders who are placed on probation or community control on or after July 1, 2023, for attempting, soliciting, or conspiring to commit certain sexual offenses. The court must order electronic monitoring for certain sexual offenses when the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older.
- A condition prohibiting an offender placed on probation or community control for attempting, soliciting, or conspiring to commit certain sexual offenses on or after July 1, 2023, from viewing, accessing, owning, or possessing any obscene pornographic or sexually stimulating material.

Impact to Sheriffs: The bill will increase public safety and accountability for individuals that attempt to commit sexual offenses by ensuring they serve their full sentence.

Issue: Sentencing Proceedings in Death Penalty Cases

Outcome: Passed, Chapter No. 2023-23

Effective: Took effect on April 20, 2023, upon the signature of the Governor.

(HB 555 Rep. Jacques and SB 450 Sen. Ingoglia)

The bill revises Florida law to require a jury to recommend a sentence of death to the court if at least eight out of twelve jurors determine a defendant should be sentenced to death. Additionally, under the bill:

- If fewer than 8 jurors vote to recommend a sentence of death, the jury's sentencing recommendation must be for life without the possibility of parole and the court is bound by that recommendation.
- If the jury recommends a sentence of death, the court has the discretion to impose the recommended sentence of death, or a sentence of life imprisonment without the possibility of parole.



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- A sentence of death may only be imposed if the jury unanimously finds at least one aggravating factor beyond a reasonable doubt.
- The court must enter a written order whether the sentence is for death or for life without the possibility of parole and the court must include in its written order the reasons for not accepting the jury's recommended sentence.

Impact to Sheriffs: The bill will help ensure that those convicted of the most heinous crimes are sentenced to death without the current requirement of unanimity.

Issue: Capital Sexual Battery
Outcome: Passed, Chapter No. 2023-25
Effective: October 1, 2023.

(HB 1297 Rep. Baker and SB 1342 Sen. Martin)

The bill authorizes a sentence of death for capital sexual battery offenses. Capital sexual battery occurs when an adult commits sexual battery upon a child less than twelve years of age, or who in an attempt to commit the sexual battery injures the sexual organs of the child.

Impact to Sheriffs: The bill will increase public safety by increasing the potential penalties for child rapists and allow greater justice for victims.

Issue: Exploitation of Vulnerable Persons
Outcome: Passed, Chapter No. 2023-133
Effective: October 1, 2023.

(HB 603 by Rep. LaMarca and SB 232 Sen. Garcia (I))

The bill creates specific criminal penalties for exploiting a person 65 or older by obtaining or using, through deception or intimidation, the person's property with the intent to deprive that person of the use, benefit, or possession of the property. Under the bill, If the funds, assets, or property involved in the exploitation are valued at: \$50,000 or more, the offender commits a level 7 first degree felony; \$10,000 or more, but less than \$50,000, the offender commits a level 6 second degree felony; or less than \$10,000, the offender commits a level 4 third degree felony. It does not constitute a defense to a prosecution that the accused did not know the age of the victim.

Impact to Sheriffs: The bill will help combat abuse and exploitation of seniors by expanding and strengthening state laws that punish criminals who exploit elderly persons or disabled adults.

Issue: Human Trafficking
Outcome: Passed, Chapter No. 2023-86
Effective: July 1, 2023.



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(HB 7045 Rep. Overdorf and SB 7064 Sen. Garcia(I))

The bill makes several changes to protect Floridians from human trafficking and allow victims to recover monetary damages from adult entertainment establishments. Specifically, the bill establishes a new civil cause of action for a victim of human trafficking, which will allow a victim to recover damages and costs against an adult theatre, or its owner, operator, or manager who knowingly allows the human trafficking victim to work, perform, or dance at the adult theatre. Additionally, if an adult theatre fails to obtain and maintain certain age verification documents of its employees and independent contractors (regardless of whether they did so knowingly or not), the penalty is increased from a first degree misdemeanor to a third degree felony.

Under existing law, the real or personal property of a person convicted of a human trafficking offense which was used to facilitate human trafficking may be seized and forfeited to a seizing entity. **The bill provides that the proceeds of the sale of forfeited property be allocated to pay restitution to the human trafficking victim or victims in the criminal case for which the owner was convicted before any funds may be retained by the seizing government entity for its own use.**

The bill also requires each certified law enforcement officer successfully complete four hours of training in identifying and investigating human trafficking as part of the basic recruit training of the officer as required pursuant to s. 943.13(9), F.S., or additional training pursuant to s. 943.131(4), F.S.

Finally, the bill establishes the state's unified Statewide Data Repository for Anonymous Human Trafficking Data at the University of South Florida Trafficking in Persons - Risk to Resilience Lab. **Law enforcement agencies are required to report the following data to the Repository unless they are already reporting the data to FIBRS or the UCR system:**

- An alleged offense being investigated or prosecuted, including a description of the alleged prohibited conduct and the associated case number.
- The age, gender, and race or ethnicity of each suspect and victim.
- The date, time, and location of the alleged offense.
- The type of human trafficking involved.
- Any other related prosecution charges.
- Information regarding any victim services organization or program to which the victim was referred.
- The disposition of the investigation or prosecution.

The bill requires any required reporting entity located in a county with a population of:

- More than 500,000 to begin reporting to the repository, to the UCR system, or to FIBRS **on or before July 1, 2023**, and to report at least quarterly thereafter.



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- 500,000 or less to begin reporting to the repository, to the UCR system, or to FIBRS **on or before July 1, 2024**, and to report at least biannually thereafter.

Impact to Sheriffs: Law enforcement officers will no longer be subject to having their certification being placed on inactive status for not completing human trafficking training as part of basic recruit training or as part of continuing education, as this bill removes that provision under s. 943.17297, F.S. Under the bill, law enforcement officers are required to complete four hours of training on human trafficking as part of basic recruit training. Additionally, sheriffs should be aware of the human trafficking data reporting requirements specified under the bill. Finally, it is important to note that after satisfying any liens, the proceeds from any real or personal property seized and forfeited under the Florida Contraband Forfeiture Act, must first be allocated to pay orders of restitution for human trafficking victims.

Issue: Sexual Exploitation and Human Trafficking

Outcome: Passed, Chapter No. 2023-85

Effective: July 1, 2023.

(HB 1557 Rep. Salzman and SB 1690 Sen. Ingoglia)

The bill expands human trafficking awareness programs and increases human trafficking victim support in Florida. The bill includes measures to crack down on repeat violators of human trafficking awareness requirements by shortening the cure period for an initial violation from 90 days to 45 days and imposing daily fines for any subsequent violation. The bill also includes provisions to increase security on safe houses serving children, and requiring the Statewide Council on Human Trafficking to conduct a study and make recommendations regarding the regulation of adult safe houses.

Impact to Sheriffs: The bill will increase the security of safe houses where children and adults are often targets of human trafficking.

Issue: Public Records: Human Trafficking Victims

Outcome: Passed, Chapter No. 2023-84

Effective: July 1, 2023.

(HB 841 Rep. Hawkins and SB 1210 Sen. Burgess)

The bill makes confidential and exempt from public record requirements a petition for human trafficking victim expunction and all related pleadings and documents.

Impact to Sheriffs: Agencies must keep records described above as exempt from public record.



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Issue: **Hemp**
Outcome: **Passed, Chapter No. 2023-299**
Effective: *July 1, 2023.*

(HB 1475 Rep. Robinson (W) and SB 1676 Sen. Burton)

This bill makes a number of changes to the regulation of hemp in this state to protect children and consumers and ensure that hemp products are safe for human consumption. Most notably, the bill prohibits hemp extract products intended for human ingestion from being sold to a person who is under 21 years of age and establishes criminal penalties for violations.

Impact to Sheriffs: Hemp will now be more closely regulated by DACS, ensuring consumers are better protected from potentially harmful contaminants in hemp and providing regulatory guardrails for sellers. Additionally, under the bill anyone who sells hemp extract products (snuff, gum, and other smokeless products) to a person under 21, faces a second degree misdemeanor for a first offense and a first degree misdemeanor for a subsequent offense.

Issue: **Florida Kratom Consumer Protection Act**
Outcome: **Passed, Chapter No. 2023-182**
Effective: *July 1, 2023.*

(HB 179 by Rep. Andrade and SB 136 Sen. Gruters)

The bill makes it unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, any kratom product to a person under 21 years of age. A violation is a second degree misdemeanor, punishable by up to 60 days in jail and a fine of up to \$500.

Impact to Sheriffs: Individuals who sell kratom to underage customers will now be subject to a second degree misdemeanor and up to 60 days in jail.

Issue: **Secondhand Goods**
Outcome: **Passed, Chapter No. 2023-127**
Effective: *July 1, 2023.*

(HB 737 by Rep. Barnaby and SB 442 Sen. Gruters)

Currently, secondhand dealers are required to hold all secondhand goods for at least 15 days after they acquire the property. However, secondhand dealers are required to hold certain items for 30 days, including a precious metal, gemstone, jewelry, among other items. There is some ambiguity about whether precious metals or coins are considered securities and potentially subject a retailer of such a variety of other laws outside the secondhand goods regulatory scheme. Out-of-state companies are not required to comply with the required holding period. As a result, locally owned Florida based bullion dealers are reporting have a difficult time competing



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with out of state companies as they cannot offer the same competitive pricing. The bill amends the definition of “secondhand goods” to exclude gold bullion, silver bullion, platinum bullion, palladium bullion, or rhodium bullion if such bullion has been assayed and is properly marked as to its weight and fineness.

Impact to Sheriffs: By excluding the above-listed kinds of bullions from the definition of “secondhand goods,” these items will no longer be regulated as secondhand goods under state law, thus secondhand dealers will no longer be subject to the 30-day holding period for these items.

Issue: **Unlawful Dumping**
Outcome: **Passed, Chapter No. 2023-236**
Effective: *October 1, 2023.*

(HB 1367 Rep. Altman and SB 1368 Sen. Wright)

The bill amends the Florida Litter Law to prohibit a person from dumping litter in or on any water control district property or canal right-of-way unless the district’s board of directors or the district manager, or his or her designee, has given prior consent. Any litter that thrown onto the property of a water control district from a boat, the operator or owner of the boat, or both, may be found to be in violation. The bill expands the definition of “dump” and “litter” under the Florida Litter Law:

- “Dump,” by adding draining and discharging; and
- “Litter,” by adding personal property, pharmaceuticals, household items, and sheds and clarifying that the definition of motor vehicle or motor vehicle part includes trucks, trailers, and motor homes. The definition excludes permitted, regulated, or authorized drainage, pumping, or runoff of surface water or stormwater.

The bill requires a member of a water control district’s board of directors or a district manager who discovers that a person has committed unlawful dumping on water control district property to report the incident to the appropriate law enforcement agency with jurisdiction over the district. The bill authorizes a law enforcement officer to enter any water control district canal right-of-way, property, or facility to respond to such an incident.

Impact to Sheriffs: Law enforcement should be aware of the expanded definitions of *dump* and *litter* to expand the scope of prohibited conduct and by prohibiting a person from dumping litter onto any water control district property or canal right-of-way.

Issue: **Battery by Strangulation**
Outcome: **Passed, Chapter No. 2023-237**
Effective: *October 1, 2023.*



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(HB 1375 Rep. Baker and SB 1334 Sen. Martin)

The bill creates a third degree felony offense for battery by strangulation, regardless of the offender-victim relationship.

Impact to Sheriffs: Without a showing of great bodily harm, permanent disability, or permanent disfigurement, Florida law does not currently classify battery by strangulation as a felony in scenarios where the offender and victim do not share a domestic or dating relationship. The bill closes that loophole to allow for a person to be charged with a third degree felony for battery by strangulation, regardless of the offender-victim relationship.

Issue: **Assault or Battery on Hospital Personnel**

Outcome: **Passed, Chapter No. 2023-128**

Effective: *October 1, 2023.*

(HB 825 Rep. Berfield and SB 568 Sen. Rodriguez)

The law reclassifies the degree of the offense whenever a person is charged with knowingly committing an assault or battery upon hospital personnel while the hospital personnel is engaged in the lawful performance of his or her duties. The bill defines “hospital personnel” as a health care practitioner, an employee, an agent, or a volunteer who is employed, under contract, or otherwise authorized by a hospital, to perform duties directly associated with the care and treatment rendered by any department of a hospital or with the security thereof.

Impact to Sheriffs: Hospital personnel will now be included under the law to which an enhanced penalty for an assault or battery offense may apply. This will ensure that hospital personnel in all departments, not just in the emergency department, are protected under the law in the same manner as emergency medical care providers.

Issue: **Protection of Children**

Outcome: **Passed, Chapter No. 2023-94**

Effective: *Took effect on May 17, 2023, upon the signature of the Governor.*

(HB 1423 Rep. Fine and SB 1438 Sen. Yarborough)

The bill prohibits a person from knowingly admitting a child to an adult live performance. An adult live performance is a presentation that depicts or simulates nudity, sexual conduct, or specific sexual activities. A person who violates this prohibition commits a first degree misdemeanor, punishable by imprisonment up to 1 year and a \$1,000 fine.

Impact to Sheriffs: The bill creates new criminal penalties for knowingly admitting a person under 18 to an adult live performance.



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Issue: Florida State Guard
Outcome: Passed, Chapter No. 2023-167
Effective: July 1, 2023.

(HB 1285 Rep. Giallombardo)

The bill makes the Florida State Guard a permanent component in Florida state militia, and provides that the guard is created to protect and defend the people of Florida from all threats to public safety and to augment all existing state and local agencies. The bill also creates a specialized force within the guard to assist other law enforcement agencies. The specialized force is authorized to bear arms, detect, and apprehend when activated. Only certified law enforcement officers will have the same law enforcement authority *in conjunction* as the law enforcement agency with which they are working with when activated. Additionally, the guard may also provide support under an Emergency Management Assistance Compact to other states.

Impact to Sheriffs: The new specialized force within the guard will be able to assist when activated, and with the same authority as law enforcement officers when working with another law enforcement agency.

Issue: Missing Persons
Outcome: Passed, Chapter No. 2023-54
Effective: July 1, 2023.

(HB 1039 Rep. Stark and SB 1332 Sen. Martin)

The bill requires a law enforcement agency receiving a report of a missing child from a parent or guardian, DCF, a community-based care provider, or a sheriff's office providing investigative services for DCF, or receiving a credible report of a missing adult, to transmit the report to the National Missing and Unidentified Persons System (NamUs) within two hours. The NamUs a national information clearinghouse and resource center for missing, unidentified, and unclaimed person cases across the United States. Under the bill, law enforcement agencies must adopt written policies that specify the procedures to be used to investigate reports of missing children and missing adults, including standards for maintaining and clearing computer data of information concerning a missing child or missing adult which is stored in NamUs. The standards must require, at a minimum, a monthly review of each case and a determination of whether the case should be maintained in NamUs. The bill prohibits the removal of a missing child or missing adult entry on the NamUs database based solely on the age of the missing child or missing adult. Additionally, the law enforcement agency that has jurisdiction over a case involving a missing endangered person must immediately purge information about the case from the NamUs database upon locating the missing endangered person and notify the Clearinghouse.



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Impact to Sheriffs: Sheriff's offices are now required to enter into the NamUs a missing child or missing adult report within two hours, in addition to FCIC and NCIC. Agencies must remove any information from the NamUs as soon as the missing child or adult is located. Additionally, your agency will need to have at least a monthly review of each case and a determination of whether the case should be maintained in NamUs. Your agency may also need to provide training on utilizing the NamUs database. NamUS recently updated their user manual to reflect the intended purpose of NamUS in helping to solve *long-term* missing persons cases. Additionally, NamUS will be developing a live webinar training session for assisting agencies with registering users prior to the July 1 effective date. A copy of the user manual can be found [here](#).

NamUS requires you to submit certain minimum basic information, including first name, last name, sex, date of birth, race/ethnicity, height, weight, hair color, eye color, date of last contact, city last seen, county last seen, state last seen, circumstances of disappearance, missing from tribal land, investigating agency name, case number and point of contact in order to publish a submission. All other information, including physical descriptors (scars, marks, tattoos), medical information (prior surgeries, implants), clothing accessories, vehicle description (if missing with vehicle), and biometric data are not required for a submission to be published. Cases can be updated as your agency obtains additional information, however, only the person who created the submission may update the case with additional data.

Because NamUs is intended to be a repository and resource for long-term missing and unidentified human remains cases, and is not yet resourced to handle case entry of individuals missing for 2 hours, it will be difficult for NamUs to separate the long-term cases from short-term cases once agencies begin submitting short-term missing persons cases. Because NamUs is not resourced to provide immediate investigative support, NamUs may no longer be able to support Florida for any cases, including the long-term missing and unidentified human remains cases. If you do have long-term missing persons cases already submitted to NamUs or cases that you would like to submit, it may be beneficial to contact NamUs directly regarding those cases.

Issue: **Elder and Vulnerable Adult Abuse Fatality Review Teams**
Outcome: **Passed, Chapter No. 2023-260**
Effective: *July 1, 2023.*

(HB 1567 Rep. Hawkins and SB 1540 Sen. Garcia(I))

The bill changes the name from “Elder abuse fatality review teams” to “Elder abuse and vulnerable adult abuse fatality review teams” (EV-FRTs) and allows a law enforcement agency, DCF, the Office of the Attorney General and the Agency for Persons with Disabilities to initiate an EV-FRT, in addition to a state attorney.



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Impact to Sheriffs: Law enforcement agencies will now be able to initiate an elder abuse and vulnerable adult abuse fatality review team to review deaths of elderly persons caused by abuse or neglect.

Issue: **Public Records and Public Meetings: Elder Abuse or Vulnerable Adult Abuse Fatality Review Team**

Outcome: **Passed, Chapter No. 2023-261**

Effective: *July 1, 2023.*

(HB 1542 by Rep. Hawkins and SB 1569 Sen. Garcia(I))

The bill creates public record and public meeting exemptions related to elder and vulnerable adult fatality review teams (EV-FRTs).

Impact to Sheriffs: Agencies must keep records described above as exempt from public record.

Issue: **Consumer Protection**

Outcome: **Passed, Chapter No. 2023-130**

Effective: *July 1, 2023.*

(HB 1185 Rep. Giallombardo and SB 1398 Sen. DiCeglie)

The bill revises consumer protection laws, and adds transparency measures in Florida law to protect Floridians from crowdfunding charity scams. The bill requires that a crowd-funding platform comply with certain requirements for crowd-funding campaigns arising from a disaster, including cooperating with any investigation by or in partnership with law enforcement.

Impact to Sheriffs: The bill will crack down on scams on crowdfunding sites by preventing fraud through transparency and will ensure that the crowdfunding platforms, such as GoFundMe will be required to cooperate with law enforcement.

Issue: **Operation of a Golf Cart**

Outcome: **Passed, Chapter No. 2023-67**

Effective: *October 1, 2023.*

(HB 949 Rep. Stevenson and SB 1290 Sen. Grall)



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Current law allows a person 14 years of age or older to operate a golf cart without a driver's



Sheriff Hardwick with Lt. Governor Nunez in between his many meetings to answer questions surrounding HB 949 & SB 1290

license on public roads that have been designated for use by golf carts. Many parents allow their children to operate golf carts on these roadways, and as a result, the frequency and severity of injuries that occur to these children and their passengers has continued to grow. The bill changes the current law to require that a person operating a golf cart on public roads or streets who is under 18 years of age must possess a valid learner's driver license or valid driver license, and a person who is 18 years of age or older must possess a valid form of government-issued photographic identification.

Impact to Sheriffs: Raising the minimum age to 15 and requiring the driver to hold a valid learner's license to operate a golf cart on roadways that have been designated for use by golf carts, will lower the number of accidents which occur when children are allowed to operate golf carts with no driving experience.

Issue: 911 Public Safety Telecommunicator Certificates

Outcome: Passed, Chapter No. 2023-122

Effective: The bill took effect on May 24, 2023, upon the signature of the Governor.

(HB 341 Rep. Amesty and SB 980 Sen. Brodeur)

The bill allows 911 PST certificates to automatically revert to inactive status for up to six years if not renewed at the end of the two-year certification period. A certificate holder will no longer have to request their certification be placed on inactive status or pay the \$50 fee. Additionally, the bill provides retroactive applicability to certificates that have expired or are set to expire in the six-year period preceding May 24, 2023 (the effective date of the bill).

Impact to Sheriffs: The bill will assist in filling staffing shortages among 911 telecommunicators by allowing prior certificate holders whose certificate expires between July 1, 2017, and May 24, 2023, to reactivate their certificate.

Issue: Enforcement of School Zone Speed Limits

Outcome: Passed, Chapter No. 2023-174

Effective: July 1, 2023.



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(HB 657 Rep. Koster and SB 588 Sen. Rodriguez)

The bill authorizes counties and municipalities to use speed detection systems to enforce school zone speed limits for violations in excess of 10 miles per hour over the speed limit when children are going to or from school and during the entirety of the school day. Specifically, violations may be enforced within 30 minutes before through 30 minutes after: (1) the start of a regularly scheduled breakfast program; (2) the start of a regularly scheduled school session; (3) the end of regularly scheduled school session; and (4) during the entirety of a regularly scheduled school session. The county or city may install or contract with a vendor, a speed detection device within school zones, but must enact an ordinance and conduct a public hearing prior to doing so. The county or city is also required to notify the public that a speed detection may be in use and if the city or county has never conducted a speed detection program, a public awareness campaign must be conducted at least 30 days before beginning enforcement. **During this time, only a warning may be issued for violations.** The county or city may authorize a traffic infraction enforcement officer to issue uniform traffic citations for a violation, punishable by a \$100 fine per violation. **The bill does not prohibit a law enforcement officer from issuing a uniform traffic citation for a violation of s. 316.1895, F.S., or s. 316.183, F.S.**

The bill also provides requirements for issuing a notice of violation or a uniform traffic citation. Within 30 days after a violation, a notice of violation must be sent by first-class mail to the registered owner of the motor vehicle involved in the violation. Additionally, a uniform traffic citation must be issued by mailing the citation by certified mail to the address of the registered owner of the motor vehicle involved in the violation if payment has not been made within 30 days after notification, if the registered owner has not requested a hearing, and if the registered owner has not submitted a specified affidavit.

Finally, the bill also creates a School Crossing Guard Recruitment and Retention Program and requires each law enforcement agency conducting a school zone speed detection system program to use funds (\$5 from each citation) generated from the school zone speed detection system program to administer the program. The program may provide recruitment and retention stipends to crossing guards at K-12 public schools, including charter schools, or stipends to third parties for the recruitment of new crossing guards. **The School Crossing Guard Recruitment and Retention Program is designed and managed at the discretion of the law enforcement agency.**

Impact to Sheriffs: The bill will increase public safety by deterring motorists from speeding in school zones.

Issue: Enforcement of School Bus Passing Infractions
Outcome: Passed, Chapter No. 2023-171
Effective: July 1, 2023.



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(HB 741 by Rep. and SB 766 Sen. Burgess)

The bill authorizes the use of a school bus infraction detection system, similar to a red-light camera system, to enforce traffic violations for passing a stopped school bus loading or unloading passengers. A school district may install and operate or contract with a vendor to provide school bus infraction detection systems on school buses. Under the bill, the school district is required to enter into an interlocal agreement with a law enforcement agency authorized to enforce school bus stop signal violations within the school district. School districts must make a public announcement and conduct a 30-day public awareness campaign before commencing initial enforcement using such systems. If the law enforcement agency determines a violation occurred, the agency must send a notice of violation, within 30 days, by first-class mail to the vehicle's registered owner. If the owner does not contest, pay the civil penalty, or submit an affidavit within 30 days after receiving the notice of violation, he or she will be issued a uniform traffic citation.

Impact to Sheriffs: The bill will help deter motorists from unlawfully and dangerously passing school busses. Additionally, a sheriff's office may choose to enter into an interlocal agreement with the school district to enforce infractions. The bill does not directly address whether traffic infraction enforcement officers may be used.

Law Enforcement

Issue: **Civil Remedies**

Outcome: **Passed, Chapter No. 2023-15**

Effective: *Took effect on March 24, 2023, upon the signature of the Governor.*

(HB 837 by Rep. Fabricio and SB 236 Sen. Hutson)

The bill includes comprehensive tort reform to decrease frivolous lawsuits in Florida. The bill includes measures to eliminate one-way attorney fees and fee multipliers for all lines of insurance, modernizing Florida's "bad faith" law, and protecting small businesses from paying exorbitant damages. The bill also makes several other changes under the law that will positively impact sheriff's offices and are discussed below.

Statute of Limitations on Negligence Cases

The bill reduces the statute of limitations for general negligence cases from four years to two years. This will impact the narrow class of negligence claims brought against deputies in their personal capacity under state law such as an automobile negligence claim against a deputy driving an agency vehicle off-duty.

Comparative Negligence

The bill modifies Florida's comparative negligence system from a "pure" comparative negligence system to a "modified" comparative negligence system. As a result, a plaintiff who is found to be



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more than 50 percent at fault for his or her own harm may not recover damages. The new comparative negligence standard includes a carve out for causes of action for personal injury or wrongful death arising out of medical negligence (medical malpractice claims).

Previously, if damages were sufficiently high (i.e., claims involving death or serious bodily injury), plaintiff's attorneys were incentivized to sue a sheriff, even if the attorney knew he or she could only assign a small degree of fault on the sheriff. For example, if a claimant violated a deputy's right of way, pulled out in front of his patrol car, caused a vehicle accident, suffered \$1M in damages, and could establish the deputy was driving 5 mph over the speed limit, a plaintiff's attorney might reasonably calculate he could convince a jury to place 10% fault on the Sheriff for speeding, resulting in a \$100,000 verdict. This reform should strongly discourage plaintiff's attorneys from bringing such claims in the future, saving Sheriffs from unnecessary litigation costs and payouts where the Claimant was clearly more than 50% at fault. Furthermore, it will cause the plaintiff's attorney to be cautious and make more reasonable demands in borderline cases where the Claimant's degree of fault, though not clearly more than 50%, could be found by a jury to be more than 50% at fault. However, this reform will have no impact on negligence claims where it is highly unlikely a claimant will be found to be more than 50% at fault.

Medical Providers, Letters of Protection (LOPs), & Computation of Damages

This bill establishes a more uniform process for the admissibility of evidence and the calculation of medical damages in personal injury or wrongful death actions. This will likely have a significant positive impact on claims against sheriffs and deputies, as it affects the value of medical expenses in all personal injury/wrongful death actions, not just negligence actions. Specifically, the reforms to the letters of protections will assist in reducing the artificial inflation of medical bills through LOPs, and the resulting reduction could potentially be significant.

Multifamily Residential Property Safety and Security

The bill provides that the owner of a multifamily residential property that implements certain security measures on that property is presumed to not be negligent in connection to criminal acts occurring on the premises which are committed by third parties who are not employees or agents of the owner or operator. The bill requires the Florida Crime Prevention Training Institute of the Department of Legal Affairs to develop a proposed curriculum or best practices for such owners or operators. Sheriff's offices may receive more requests for Crime Prevention Through Environmental Design Security surveys.

Impact to Sheriffs: The impact to the sheriffs is detailed above within the summary of the bill. It should be noted that while the bill makes significant improvements and reforms to the law, there will likely be legal challenges to the provisions of the bills that the courts may need to address.



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Issue: Immigration
Outcome: Passed. Chapter 2023-40
Effective: July 1, 2023.

(HB 1617 Rep. Michael and SB 1718 Sen. Ingoglia)

The bill amends various Florida statutes to address provisions related to individuals in this state who may be unauthorized aliens. The main provisions of the bill impacting sheriff's offices are included below.

- Clarifies that a person commits a third-degree felony when he or she **knowingly and willfully** transports illegal immigrants **into the state**.
- Expands penalties related to human smuggling when smuggling a minor, more than five people, or when a defendant has a prior conviction for human smuggling, and allows prosecution of human smuggling under the Florida Racketeer Influenced and Corrupt Organization (RICO) Act.
- Prohibits a county or municipality from providing funds to issue community ID cards for individuals who are not lawfully in the country.
- Provides that if a driver license is issued by another state exclusively to undocumented immigrants who are unable to prove lawful presence in the United States when the license was issued, the driver license, or other permit purporting to authorize the holder to operate a motor vehicle on public roadways, is invalid in Florida. **Under the bill, a law enforcement officer or other authorized representative of DHSMV who stops a person driving in violation of s. 322.03, F.S. is required to issue a citation to the driver for driving without a license. The DHSMV is required to maintain on its website a list of out-of-state classes of driver licenses that are invalid in this state to help facilitate enforcement.**
- Creates a third-degree felony for an unauthorized alien to knowingly use a false identification document or who fraudulently uses an identification document of another person, to obtain employment.
- Allows a law enforcement agency to send relevant information obtained pursuant to enforcement of s. 448.095, F.S. (Employment Eligibility), to a federal immigration agency.
- **Requires a person who is in the custody of a law enforcement agency and is subject to an immigration detainer to submit a DNA sample when he or she is booked into a jail, correctional, or juvenile facility.**
- Requires each employer required to use the E-Verify system to certify on its first return each calendar year to the tax service provider that it is in compliance when making contributions to or reimbursing the state's unemployment compensation or reemployment assistance system.
- Requires employers to use the Form I-9 to verify employment eligibility if the E-Verify system is unavailable for 3 business days after the first day that the new employee begins



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working for pay and an employer cannot access the system to verify a new employee's employment eligibility.

- Provides that the unavailability of the E-Verify system does not bar the employer from using the rebuttable presumption.
- Requires the employer to document the unavailability of the E-Verify system by retaining a screenshot from each day which shows the employer's lack of access to the system, a public announcement that the E-Verify system is not available, or any other communication or notice recorded by the employer regarding the unavailability of the system.

Impact to Sheriffs: The law will give law enforcement additional tools to safeguard Floridians against some of the dangerous effects of illegal immigration. Notably, the law will ensure that an immigrant that is subject to a detainer will now be required to submit a DNA sample when they are booked into your jail. This will be a significant positive step towards assisting law enforcement with identifying illegal immigrants that have committed crimes.

Issue: **Driver License, Identification Card, and Motor Vehicle Registration**

Outcome: **Passed, Chapter No. 2023-186**

Effective: *October 1, 2023.*

(HB 965 Rep. Gottlieb and SB 996 Sen. Berman)

This bill amends s. 316.066, F.S. to authorize law enforcement agencies and **their contracted service providers** to have access to confidential crash reports in order to carry out their functions. However, these entities may not redistribute the crash report to any person or entity outside of those specified in statute. The bill does not prevent an agency, pursuant to a memorandum of understanding from providing data derived from the crash reports to a third party solely for the purpose of identifying vehicles involved in crashes if the data does not reveal the identity, home or employment phone number, address or other personal information of the parties involved in the crash.

Impact to Sheriffs: The bill allows, but does not require, those service providers that law enforcement agencies contract with, to have access to confidential crash reports. As such, that will be at the discretion of each sheriff's office. It should be noted that the bill does not define "contracted service provider" and as such, while the law may apply to companies such as Carfax and LexisNexis that have an MOU with a sheriff's office to receive crash reports, it is not clearly specified under the new law. These third parties are still prohibited under the law from redistributing crash reports to those who are not listed in the statute.



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Issue: Offenses Against Certain Animals

Outcome: Passed, Chapter No. 2023-110

Effective: October 1, 2023.

(HB 1047 Rep. Killebrew and SB 1300 Sen. Burton)

This bill builds on legislation signed by the Governor in 2019 which raised the crime of harming or killing a police K-9 or horse to a second-degree felony. Specifically, the bill increases the criminal penalty for maliciously touching, striking, or causing bodily harm to a police, fire, or search and rescue canine or police horse from a first-degree misdemeanor to a third-degree felony. The bill also increases from a second to a first-degree misdemeanor the penalty for maliciously harassing, teasing, or interfering with a police, fire, or search and rescue canine or police horse. The bill also makes it a third-degree felony to knowingly and willfully resist, obstruct, oppose, or threaten violence against a police canine or horse working at the direction of or in tandem with an officer or legally authorized person.

Impact to Sheriffs: The bill will provide additional protections and penalties for harming or harassing, or resisting a police canine or horse.

Issue: Sheriffs Providing Child Protective Investigations

Outcome: Passed, Chapter No. 2023-77

Effective: January 1, 2024.

(HB 7061 Rep. Koster and SB 7056 Sen. Harrell)

The bill requires the transfer of child protective investigation (CPI) services from the seven sheriff's offices that provide those services back to the Department of Children and Families (DCF). Currently, the DCF contracts with Pinellas, Manatee, Broward, Pasco, Hillsborough, Seminole, and Walton counties to CPI services for their respective counties. Ultimately, this transfer will make the DCF the sole entity performing child protective investigations in the State.

Under the bill, sheriffs providing CPI services must transfer all responsibility for services back to DCF by December 31, 2023. To facilitate transition planning, DCF and each sheriff must agree on the date that sheriff's responsibilities will transfer. The bill addresses specific elements of the transfer, including sheriff employees' ability to transition to the DCF, the transfer of records, assets and finances, use of facilities, and a final grant accounting. Additionally, the staff of each respective sheriff for the provision of child protective services, employed before the effective date of the law (May 11, 2023), will have the option to transfer their employment to the DCF.

The bill also requires that any claim or cause of action brought against a sheriff in relation to child protective investigations before the applicable transfer date must be defended and indemnified in accordance with the provisions of the grant or agreement applicable at the time of the alleged



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incident. Any claim or cause of action brought after the applicable transfer date must be defended and indemnified by the DCF.

Impact to Sheriffs: By December 31, 2023, Pinellas, Manatee, Broward, Pasco, Hillsborough, Seminole, and Walton Sheriff's Offices will be required to transfer all CPI services and responsibilities to the DCF. The staff of each of these sheriff's offices employed before May 11, 2023, will have the option to transfer to DCF. Such staff members will not have to undergo initial criminal background screenings, will maintain their current rate of pay, continue in the FRS with no break in service, remain in FMLA or on approved extended leave service and be eligible for all benefits afforded to state employees as applicable to the positions which they will occupy.

Issue: **Technology Transparency**

Outcome: **Passed, Chapter No. 2023-201**

Effective: *July 1, 2024.*

(HB 1547 Rep. McFarland and SB 262 Sen. Bradley)

The bill creates a "Digital Bill of Rights" that includes the certain rights such as the right to control personal data from a social platform and to protect children from personal data collection. The bill also prohibits employees of a governmental entity from using their position or any state resources to communicate with a social media platform to request that it remove content or accounts. Additionally, a governmental entity cannot initiate or maintain any agreements with a social media platform for the purpose of content moderation. However, these prohibitions do not apply if the governmental entity is acting as part of any of the following:

- Routine account management of the governmental entity's account, including, but not limited to, the removal or revision of the governmental entity's content or account or identification of accounts falsely posing as a governmental entity, officer, or salaried employee.
- An attempt to remove content that pertains to the commission of a crime or violation of this state's public records law.
- An attempt to remove content that pertains to the commission of a crime or violation of public records law.
- An investigation or inquiry related to an effort to prevent imminent bodily harm, loss of life, or property damage.

Impact to Sheriffs: Agencies may still seek to remove accounts or content pertaining to the commission of a crime or an investigation/inquiry related to an effort to prevent imminent bodily harm, loss of life, or property damage. However, agencies may need to update their policies to reflect the prohibitions in the bill.



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Issue: **Public Records: /Investigations by the Department of Legal Affairs and Law Enforcement Agencies**

Outcome: **Passed, Chapter No. 2023-262**

Effective: *July 1, 2024.*

(HB 1549 Rep. McFarland and SB 1648 Sen. Bradley)

The bill creates public records exemptions for information received by the Department of Legal Affairs (DLA) pursuant to a notification of a violation, or received by the DLA pursuant to an investigation by the DLA or a law enforcement agency.

Impact to Sheriffs: The DLA will ensure information provided by law enforcement agencies is exempt from public records.

Issue: **Funeral Services for Public Safety Officers**

Outcome: **Passed, Chapter No. 2023-145**

Effective: *October 1, 2023.*

(HB 535 Rep. Botana and SB 364 Sen. Avila)

The bill increases the amount that must be paid towards the funeral or burial expenses of a **state** law enforcement, correctional, or correctional probation officer who is killed in the line of duty from \$1,000 to \$10,000. Additionally, the bill authorizes the head of a law enforcement agency to grant up to eight hours of administrative leave and authorize travel expenses to a law enforcement officer for the officer to attend a funeral service within Florida of another officer who was killed in the line of duty. The agency head may deny the use of administrative leave in order to maintain minimum or adequate staffing requirements.

Impact to Sheriffs: Sheriffs may, but are not required, to provide up to eight hours of administrative leave and travel expenses for an officer to attend a funeral service of another officer that died in the line of duty in Florida.

Issue: **Applications on Government Devices**

Outcome: **Passed, Chapter No. 2023-32**

Effective: *July 1, 2023.*

(HB 563 Rep. Amesty and SB 258 Sen. Burgess)

The bill requires the Department of Management Services (DMS) to create a list of prohibited applications, defined as those determined by DMS to present a security risk in the form of unauthorized access to or temporary unavailability of a public employer's information technology



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resources; or those that are created, maintained, or owned by a foreign principal and that engage in specific activities that endanger cybersecurity. This definition will likely include social media applications like TikTok and WeChat.

Public employers must block or restrict access to prohibited applications on their networks and devices and must retain the ability to remotely wipe and uninstall prohibited applications from a compromised government-issued device. The bill prohibits all persons from downloading prohibited applications on government-issued devices, and requires public officers and employees to remove any prohibited application from their government devices within 15 calendar days after DMS publishes or updates the prohibited applications list. DMS must notify public employers when it updates the prohibited applications list. **The bill authorizes a law enforcement officer to use a prohibited application if the use is necessary to protect the public safety or to conduct an investigation. The bill also allows other government employees to use a prohibited application if they are granted a waiver by DMS.**

Impact to Sheriffs: Sheriff's offices should ensure that they do not have any prohibited applications on any of their agency-issued devices. DMS will be publishing a list of all prohibited applications which will be made available to your office. Sheriff's offices will still be able to use such applications for investigations.

Issue: **Unmanned Aircraft Systems Act**

Outcome: **Passed, Chapter No. 2023-147**

Effective: *July 1, 2023.*

(HB 645 Rep. Brackett and SB 908 Sen. Rodriguez)

The bill expands the definition of a "critical infrastructure facility" under s. 330.41, F.S. to include the following:

- A water intake structure, water treatment facility, wastewater treatment plant, or pump station;
- A liquid natural gas or propane gas terminal or storage facility, regardless of capacity;
- A refinery;
- A gas processing plant including a plant used in the processing, treatment, or fractionation of natural gas;
- A seaport;
- An inland port or other facility serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport;
- An airport;
- A spaceport territory;
- Certain military installations and armory;



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- A dam or other structures such as locks, floodgates, or dikes, which are designed to maintain or control the level of navigable waterways; and
- A critical infrastructure facility as defined in s. 692.201, F.S., as created by HB 1355 (2023), which includes a chemical manufacturing facility; an electrical powerplant; a telecommunications central switching office; and a seaport listed in s. 311.09.

The bill removes the requirement that a person or governmental entity seeking to restrict or limit the operation of drones in close proximity to infrastructure or facilities must apply to the Federal Aviation Administration for such designation under s. 2209 of the FAA Extension, Safety, and Security Act of 2016. The bill also removes the provision allowing a drone operating in transit for commercial purposes to operate over a critical infrastructure facility.

Impact to Sheriffs: Currently, it is a crime to knowingly and willfully operate a drone over, make contact with or come in close enough contact to interfere with the operations of or cause a disturbance to a facility defined in law as a critical infrastructure facility. This law expands the definition of critical infrastructure facility, and as such, sheriffs should be aware of the additional areas now included that may subject a person to a first or second degree misdemeanor for a violation.

However, because the bill amends the sunset provision in s. 330.41, F.S. to include the definition of critical infrastructure facility, once the FAA establishes the designation process under the FAA Extension, Safety, and Security Act to protect fixed site facilities such as critical infrastructure facilities, the criminal provisions and the definition of “critical infrastructure facility” in s. 330.41, F.S., will be repealed 60 days thereafter.

Issue: **Interests of Foreign Countries**
Outcome: **Passed, Chapter No. 2023-33**
Effective: *July 1, 2023.*

(HB Borrero by Rep. 1355 and SB 264 Sen. Collins)

The bill restricts the issuance of government contracts or economic development incentives to, or real property ownership by, foreign principals which are associated with foreign countries of concern (China, Russia, Iran, North Korea, Cuba, Syria and Venezuela). Under the bill, a governmental entity may not knowingly enter into a contract with an entity which would give access to an individual’s personal identifying information (PII) if the entity is owned by the government of a foreign country of concern and has a controlling interest in the entity or the entity is organized under the laws of or has its principal place of business in a foreign country of concern. Specifically, **beginning January 1, 2024, a governmental entity may not accept a bid on, a proposal for, or a reply to, or enter into, a contract with an entity which would grant the entity access to PII unless the entity provides the governmental entity with a signed affidavit. Additionally, beginning July 1, 2025, a governmental entity may not extend or renew a contract**



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with a foreign country of concern entity if continuing such a contract would grant the entity access to PII. The bill authorizes the Florida Attorney General to bring a civil action against any entity that violates the provisions of the bill. The bill also prohibits governmental entities from entering into contracts for an economic incentive with a foreign entity. Finally, the bill amends the statute criminalizing threats and extortion, to provide that a person who commits a violation of the statute, and at the time is acting as a foreign agent with the intent of benefitting a foreign country of concern, commits a first-degree felony.

Impact to Sheriffs: It is very unlikely that the provisions of the bill would have any significant impact on a sheriff's office. However, the bill does apply to government entities, including sheriff's offices and, as such, sheriffs should ensure they are aware of the provisions of the bill related to entering into contracts with a potential entity that is or is associated with a foreign country of concern.

Issue: **Protection from Discrimination Based on Health Care Choices**

Outcome: **Passed, Chapter No. 2023-43**

Effective: *June 1, 2023, unless otherwise provided.*

(HB 1013 Rep. Griffitts, Jr. and SB 252 Sen. Burton)

The bill amends current law that prohibits businesses from requiring documentation of vaccination status from customers and seeks to ensure that Floridians remain free from mask and COVID-19 vaccination mandates. Specifically, the bill prohibits business and governmental entities from requiring any person to provide proof of vaccination (COVID-10, MRNA or an EAU vaccine) or post-infection recovery or requiring a person to wear a mask to gain access to, entry upon, or service from such entities. The bill also prohibits employers from refusing employment to or discharging, disciplining, demoting, or otherwise discriminating against an individual solely on the basis of vaccination or immunity status or a person's refusal to take a COVID-19 test. Business entities and governmental entities that violate the bill's mask or vaccine mandate prohibitions are subject to discipline by the Department of Legal Affairs, which may include fines.

Impact to Sheriffs: Sheriffs may need to update their policies to reflect the changes in the bill. Sheriff's offices cannot prohibit anyone from entering their facilities for refusing to wear a mask or face covering and may not require employees to provide proof of a COVID vaccine. Additionally, sheriffs may not refuse to hire someone or may not discipline an employee if such person refuses to take a COVID test or receive a COVID vaccine.

Issue: **Public Records: Protection from Discrimination Based on Health Care Choices**

Outcome: **Passed, Chapter No. 2023-42**

Effective: *June 1, unless otherwise provided.*



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(HB 1015 Rep. Griffitts, Jr. and SB 238 Sen. Burton)

The bill establishes a public records exemption for complaints and investigation information related to violations of the new prohibitions established in the linked bill (SB 252), held by either DLA or DOH.

Impact to Sheriffs: DLA and DOH will be responsible for keeping exempt the described information in the linked bill (SB 252).

Administration

Issue: **Employer Contribution to Fund Retiree Benefits & DROP**

Outcome: **Passed, Chapter No. 2023-193**

Effective: *July 1, 2023, unless otherwise provided for in the bill.*

(SB 7024 by Appropriations)

The bill establishes the contribution rates paid by employers participating in the Florida Retirement System (FRS) beginning July 1, 2023. The law increases the allocations to investment plan accounts by 2% for each membership class in the plan. Additionally, the bill makes several significant changes to the DROP program, including eliminating the window to enter DROP, permanently extending DROP from 5 to 8 years for all classes, and increasing the DROP interest rate from 1.3% to 4%. The law also restores the normal retirement date for special risk class members to the pre-2011 requirements, to 25 years of service or age 55. Specifically, SB 7024 makes the following changes:

Normal Retirement Date

- Modifies the normal retirement date for Special Risk Class members initially enrolled on or after July 1, 2011, to be the earlier of 25 years of creditable service, or age 55.

DROP Program

- Eliminates the restrictive entry window for eligible members to participate in DROP, allowing for entry into DROP at any age as long as years of service or age and vesting requirements are met.
- Extends the maximum amount of time for eligible members to participate in DROP from 60 to 96 calendar months for all classes, and from 96 to 120 calendar months for certain instructional personnel.
- Increases the interest rate applied to a member's accrued monthly benefit from 1.3% to 4%.



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- Additionally, the bill specifies that an elected officer who has deferred termination as provided in s. 121.053 before June 30, 2023, is ineligible to extend his or her DROP participation beyond the 60-month period.

Retiree Health Insurance Subsidy

- The bill also increases the monthly retiree health insurance subsidy from \$5 to \$7.50 for each year of service. The maximum benefit is adjusted from \$150 to \$225 per month and the minimum benefit is adjusted from \$30 to \$45 per month.
- To fund the insurance subsidy, beginning July 1, 2023, the employer of each member of a state-administered retirement plan shall contribute 2% of gross compensation each pay period.

The rates for state fiscal year 2023-2024 are:

Membership Class	Effective July 1, 2023				
	Normal Cost	UAL Rate	Admin	HIS	Total
Regular	5.96%	4.23%	0.06%	1.66%	11.91%
Special Risk	16.44%	9.67%	0.06%	1.66%	27.83%
Special Risk Admin Support	10.77%	26.16%	0.06%	1.66%	38.65%
Elected Officers-County Officers	11.30%	43.98%	0.06%	1.66%	57.00%
Senior Management	7.70%	22.15%	0.06%	1.66%	31.57%
DROP	7.79%	9.15%	N/A	1.66%	18.60%

Effective July 1, 2023, allocations from the FRS Contributions Clearing Trust Fund to investment plan member accounts are as follows:

	Effective July 1, 2023
	Percentage of Gross Compensation
Regular	11.30%
Special Risk	19.00%
Special Risk Admin Support	12.95%
Elected Officers-County Officers	16.34%
Senior Management	12.67%



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Allocations from the FRS Contributions Clearing Trust Fund to provide disability coverage for members in the investment plan has been increased for the Special Risk Class from 1.33% to 1.85%:

	Percentage of Gross Compensation
Regular	0.25% (unchanged)
Special Risk	1.85%
Special Risk Admin Support	0.45% (unchanged)
Elected Officers-County Officers	0.41% (unchanged)
Senior Management	0.26% (unchanged)

Allocations from the FRS Contributions Clearing Trust Fund to provide line-of-duty death benefits for members in the investment plan has been increased for the Special Risk Class from 1.21% to 1.26%:

	Percentage of Gross Compensation
Regular	0.05% (unchanged)
Special Risk	1.26%
Special Risk Admin Support	0.03% (unchanged)
Elected Officers-County Officers	0.20% (unchanged)
Senior Management	0.05% (unchanged)

Impact to Sheriffs: Beginning July 1, 2023, Special Risk Class members that enrolled on or after July 1, 2011, can retire at age 55 (with 8 years of service) or at any age with 25 years of service.



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All eligible members will now be allowed to enroll in DROP at any time after reaching their normal retirement date, rather than within the 1-year period following their normal retirement date. Further, all employees in the FRS may participate in DROP for up to 8 years, beginning **June 7, 2023** (this provision of the bill took effect upon the signature of the Governor). The new law is intended to allow all members of the FRS, regardless of class membership or occupation to participate in DROP for up to 8 years at the request of the employee. The 36-month extension that was granted during the 2022 legislative session to allow law enforcement officers to extend DROP for up to an additional 36-months is now repealed. The current maximum of 5 years of DROP will be extended to 8 years for all employee members of the FRS, regardless of class membership or occupation. The DOR will be providing an updated form for an employee to extend their DROP participation up to 8 years.



Sheriffs discuss the current state of play of retirement within the Office of Sheriff with Senate President Passidomo

Additionally, the DROP interest rate will increase from 1.3% to 4% for members currently in DROP and for members who enter on or after July 1, 2023. Employees currently in DROP will continue to receive the current 1.3% interest rate through June 30, 2023. Beginning July 1, 2023, current DROP participants will see their monthly interest rate increase to 4%.

Finally, sheriffs will see the greatest fiscal impact under the bill from the increase in the employer-paid contributions for each class of employee and officer participating in the FRS beginning July 1, 2023. The largest increase stems from the increase in contribution rates to special risk class members. A provision of the bill that did not pass this year would have restored the COLA. It is expected that this is something the legislature may consider again during the 2023 legislative session, and as such, it may be prudent to ensure your finance personnel are aware of this potential change if it were to pass in 2023.

Issue: **Employee Organizations Representing Public Employees**

Outcome: **Passed, Chapter No. 2023-35**

Effective: *Took effect May 9, 2023 (unless otherwise specified in the bill), upon the signature of the Governor.*



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(HB 1445 Rep. Black and SB 256 Ingoglia)

The bill amends ch. 447, F.S., relating to public employer collective bargaining, to impose several new requirements on the employee organizations that represent public employees in collective bargaining. Most notably, the bill prohibits an employee organization certified as a bargaining agent for a unit of public employees from having its dues and uniform assessments deducted from the salaries of employees in the unit and collected by the employer. **The foregoing provisions do not apply to an employee organization that has been certified as the bargaining agent to represent law enforcement officers, correctional officers, correctional probation officers, or firefighters.**

Impact to Sheriffs: The bill includes a carve out for unions that represent law enforcement officers, correctional officers, correctional probation officers, and firefighters. As such, dues and uniform assessments may still be deducted from the salaries of those employees in the unit and collected by the employer.

Issue: **Form of Candidate Oath**

Outcome: **Passed, Chapter No. 2023-46**

Effective: *July 1, 2023.*

(HB 707 Rep. Bell and SB 666 Sen. Collins)

Current law requires candidates for nomination or election to state, local, or judicial office to take a specific oath or affirmation in writing. Candidates are required to sign the candidate oath and provide an address. The bill specifies that the address in the oath or affirmation must be the candidate's *address of legal residence*.

Impact to Sheriffs: Sheriffs or other personnel running for office should ensure they specify their legal residence on the candidate oath or affirmation.

Issue: **Elections**

Outcome: **Passed, Chapter No. 2023-120**

Effective: *July 1, 2023.*

(HB 7067 Rep. McClure and SB 7050 Sen. Hutson)

The bill makes several changes to Florida's election laws, including changes aimed at modernizing and streamlining campaign finance requirements, including the following:

- Requires each candidate to include on the form of candidate oath, whether he or she owes any outstanding fines, fees, or penalties that cumulatively exceed \$250 for any violations of s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, any local ethics ordinance governing standard, or chapter 106.



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- Changes reporting frequency for political committees, candidates, and electioneering communications organizations to quarterly outside of the active election cycle.
- Adds text messages to the list of services and costs that do not constitute contributions that count toward specified limits.
- Prescribes requirements for use of a candidate nickname on the ballot. Specifically, if a candidate wishes to designate a nickname, the candidate must file an affidavit pursuant to s. 95.525(1)(a) and must be filed simultaneously with the form of candidate oath or affirmation.

Impact to Sheriffs: Sheriffs who are running for re-election should ensure they follow the above prescribed changes.

Issue: **Expanding Public Sector Career Opportunities**

Outcome: **Passed, Chapter No. 2023-256**

Effective: *July 1, 2023.*

(HB 1109 Rep. Barnaby and SB 1310 Sen. DiCeglie)

The bill requires public employers (state agencies and branches, state universities and public colleges, counties, cities, special districts, school boards, and all other governmental entities) to prioritize direct work experience over postsecondary education in their hiring considerations. Postsecondary education may be considered in hiring decisions only: (1) if the position requires advanced accreditation or licensure that is available only to a person holding a specific postsecondary degree; or (2) as an alternative to the number of years of direct work experience, not to exceed:

- Two years of direct experience for an associate degree;
- Four years of direct experience for a bachelor's degree;
- Six years of direct experience for a professional degree; or
- Nine years of direct experience for a doctoral degree.

A public employer may not deny consideration of an applicant solely on the basis of the applicant lacking a postsecondary degree **unless the public employer clearly demonstrates that the job duties require a postsecondary degree**. In the job posting, the public employer must substantiate the necessity for the postsecondary degree on the basis that the degree is the best measure to determine whether an applicant possesses the specific skills required for the job or that the position requires advanced accreditation or licensure only available to a person who holds a specific postsecondary degree. An agency is permitted to substitute verifiable, related work experience in lieu of postsecondary educational requirements when contracting for services if the person seeking the contract is otherwise qualified for the contract.



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Impact to Sheriffs: Sheriff's offices may need to modify job position descriptions and review knowledge, skills, and abilities of each position to determine whether a postsecondary degree is a necessary requirement in hiring considerations.

Issue: **Taxation**

Outcome: **Passed, Chapter No. 2023-157**

Effective: *July 1, 2023.*

(HB 7063 Rep. McClain and SB 7062 Sen. Broxson)

Currently, a county located adjacent to the Gulf of Mexico or the Atlantic Ocean, which meets certain criteria, including that the county has a population of less than 225,000 may use up to 10 percent of the tourist development tax revenue to reimburse expenses incurred in providing public safety services, including emergency medical services and law enforcement services. However, these counties continue to see an increase in their populations each year. As such, the bill increases the 225,000 population threshold to 275,000, to allow the continued use of funds generated from tourist development taxes for public safety purposes by Okaloosa, Bay, and Walton counties. The bill also allows this use of funds by fiscally constrained counties that border the Gulf of Mexico or Atlantic Ocean.

Impact to Sheriffs: The bill will allow tourist development tax funds to be used by fiscally constrained counties with less than 275,000 people. This is significant for those counties, such as Okaloosa, which are expected to exceed the 225,000 population threshold currently set in law in the next few years. The bill will also allow additional fiscally constrained counties that border the Gulf of Mexico, including Gulf, Franklin, Wakulla, Taylor, Dixie and Levy to utilize these funds for public safety purposes.

Issue: **Public Records: Autopsy Reports of Minor Victims of Domestic Violence**

Outcome: **Passed, Chapter No. 2023-44**

Effective: *Took effect on May 11, 2023, upon the Governor's signature.*

(HB 273 by Rep. Clemons and SB 404 Sen. Perry)

The bill creates two new public records exemptions related to the death of minors. First, the bill exempts photographs or video or audio recordings that depict the killing of a minor when held by an agency and provides for **retroactive application of the exemption**. Second, the bill exempts an autopsy report of a minor whose death was related to an act of domestic violence held by a medical examiner. The bill allows for disclosure of the report to the surviving parent who did not commit the act of domestic violence. The bill provides for **retroactive application of the exemption**.



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Impact to Sheriffs: Agencies holding photographs or video or audio recordings that depict or record the killing of a minor or autopsy reports of minor victims of domestic violence, must ensure they comply with the new public records exemptions listed above.

Issue: **Public Records: Investigative Genetic Genealogy Information and Materials**

Outcome: **Passed, Chapter No. 2023-235**

Effective: *July 1, 2023.*

(HB 1327 Rep. Anderson and SB 1402 Sen. Martin)

The bill provides that investigative genetic genealogy (IGG) information and materials are made confidential and exempt from public record inspection and copying requirements. IGG information and materials means the information, records, and DNA records created or collected by or on behalf of a law enforcement agency conducting IGG research, and includes the names and personal identifying information of persons identified through the use of genealogy databases, traditional genealogical methods, or other investigative means.

Impact to Sheriffs: Agencies holding IGG information must comply with the above public records requirements. A law enforcement agency may disclose such confidential and exempt information in furtherance of its official duties and responsibilities, but a law enforcement agency must disclose such confidential and exempt information pursuant to a court order. The exemption applies retroactively and applies to all investigative genetic genealogy materials held by an agency before, on, or after July 1, 2023.

Issue: **OGSR: Security and Firesafety System Plans**

Outcome: **Passed, Chapter No. 2023-75**

Effective: *October 1, 2023.*

(HB 7007 Rep. Jacques and SB 7040 Sen. Boyd)

The bill saves from repeal the public record and public meeting exemptions for security or firesafety system plans for any property owned by or leased to the state or any of its political subdivisions.

Impact to Sheriffs: Agencies holding security or firesafety system plans must comply with the above public records requirements.

Issue: **OGSR: Address of a Victim of Mass Violence**

Outcome: **Passed, Chapter No. 2023-107**

Effective: *October 1, 2023.*



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(HB 7031 Rep. Porras and SB 7012 Sen. Martin)

The bill saves from repeal the public records exemption for the address of a victim of an incident of mass violence. The term “victim” means a person killed or injured during an incident of mass violence, not including the perpetrator. An “incident of mass violence” means an incident in which four or more people, not including the perpetrator, are severely injured or killed by an intentional and indiscriminate act of violence of another.

Impact to Sheriffs: Agencies must keep records described above as exempt from public record.

Issue: OGSR: Nationwide Public Safety Broadband Network

Outcome: Passed, Chapter No. 2023-119

Effective: October 1, 2023.

(HB 7001 Rep. Yarkosky and SB 7006 Sen. Avila)

The bill saves from repeal the current public records exemption which makes information relating to the Nationwide Public Safety Broadband Network (FirstNet) held by an agency confidential and exempt from public inspection and copying requirements.

Impact to Sheriffs: Agencies must keep records described above as exempt from public record.

Jails, Corrections & Re-Entry

Issue: Facility Requirements Based on Sex

Outcome: Passed, Chapter No. 2023-106

Effective: July 1, 2023.

(HB 1521 Rep. Plakon and SB 1674 Sen. Grall)

The bill creates the “Safety in Private Spaces Act” and specifies covered entities under the bill include state and local public buildings, educational institutions, correctional institutions, juvenile institutions, and detention facilities. **The bill requires all covered entities that maintain a restroom or changing facility to have such facilities separately designated for males and females or have a unisex facility.**

The bill provides several definitions which are important to the understanding of the requirements of the bill:

- A “changing facility” is defined as a room in which two or more persons may be in a state of undress in the presence of others, including, but not limited to, a dressing room, fitting room, locker room, changing room or shower room.



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- "Female" means a person belonging, at birth, to the biological sex which has the specific reproductive role of producing eggs.
- "Male" and "Female" means a person belonging, at birth, to the biological sex which has the specific reproductive role of producing sperm.
- "Restroom" means a room that includes one or more toilet or urinal.
- "Sex" means the classification of a person as either female or male based on the organization of the body of such person for a specific reproductive role, as indicated by the person's sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth.
- "Unisex changing facility" means a room intended for a single-occupant or a family in which one or more persons may be in a state of undress, including, but not limited to, a dressing room, fitting room, locker room, changing room, or shower room that is enclosed in floor-to-ceiling walls and accessed by a full door with a secure lock that prevents another individual from entering while the changing facility is in use.
- "Unisex restroom" means a room that includes one or more water closets that is intended for a single-occupant, or a family, and the room is enclosed in floor-to-ceiling walls and accessed by a full door with a secure lock that prevents another individual from entering while the room is in use.

All covered entities must submit documentation regarding compliance with the facility requirements no later than April 1, 2024, or within one year of establishment if established after July 1, 2023. Additionally, each type of covered entity must establish disciplinary procedures for its employees, certain persons under its control, and other personnel who willfully enter a restroom or changing facility designated for the opposite sex on the premises of the covered entity and refuses to depart when asked to do so by another employee of such covered entity. The failure to depart a facility designated for the opposite sex by persons other than the covered entity's employees constitutes the criminal offense of trespass.

- **A detention facility must submit documentation to the applicable governing body of the county or municipality.**
- **A juvenile detention facility must submit documentation to the DJJ.**

There are certain instances under the bill when a person may enter a facility designated for the opposite sex including to assist a child under 12 years of age, an elderly person 60 years of age or older, or persons with certain disabilities; in cases of emergency where the health or safety of another person is at risk; for custodial, maintenance, or inspection purposes, provided that the facility is not in use; or if the appropriate designated facility is out of order or under repair and the facility designated for the opposite sex contains no person of the opposite sex.

Finally, the bill provides the Attorney General enforcement authority, including the authority to seek injunctive relief and impose fines of up to \$10,000.



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Impact to Sheriffs: Sheriffs should ensure they follow the above provisions of the bill. Specifically, sheriff's offices and sheriffs who run their county's jail should have any bathrooms and rooms such as in a gym, locker room or shower room where a person may be undressed at any point, as separate bathrooms or changing facilities for exclusive use by females and males or a have a unisex restroom and/or changing facility. Additionally, each sheriff's office must develop disciplinary procedures for its employees for failing to follow the requirements set forth in the bill. Finally, sheriffs who run their jail should ensure they provide documentation of compliance to the BOCC by April 1, 2024.

Issue: Visiting County and Municipal Facilities

Outcome: Passed, Chapter No. 2023-232

Effective: July 1, 2023.

(HB 119 Rep. Benjamin and SB 1510 Sen. Pizzo)

The bill authorizes the following individuals who are elected or appointed to serve the county or municipality in which the county or municipal detention facility is located, to visit such detention facilities at their pleasure, including, members of the governing body of the county or municipality; members of the Legislature; state court judges; the state attorney; the public defender; and the regional counsel.

Impact to Sheriffs: Under current law, there is no specific authorization for the above-described persons and officials to visit county or municipal detention facilities at their pleasure like there is for state correctional institutions. Such officials are now authorized under Florida law to visit the jail within their respective delegation.

Bills that Failed

Issue: Criminal Sentencing

Outcome: Vetoed by the Governor.

(HB 1263 Rep. Amesty and SB 1478 Sen. Simon)

The bill would have prohibited community sanction points from being assessed if a probationer or offender resolves a violation of probation through the ASP and would have required a probationer or offender who commits a low-risk violation to be released within 30 days if a violation hearing does not occur. Additionally, the bill would have prohibited a community sanction violation that was resolved through the ASP from being used to calculate total



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sentencing points when determining an offender's sentence for a violation of probation if probation is revoked. The bill also would have:

- Required a probation officer to resolve a violation under the ASP if a probationer or offender commits a first or second low-risk violation, unless the court directs the probation officer to file an affidavit of violation;
- Required a court to impose the sanction recommended by a probation officer for a first or second low-risk violation under the ASP unless the court finds specific risks to public safety; and
- Required a court to hold a hearing on a violation of probation within 30 days after a probationer's or offender's arrest or after counsel appears for the probationer or offender, or release the probationer or offender without bail unless the court determines the hearing was not held in the applicable time frame due to circumstances attributable to the probationer or offender.

Issue: **Juvenile Expunction**

Outcome: **Vetoed by the Governor.**

(HB 605 Rep. Smith and SB 504 Sen. Rodriguez)

The bill would have allowed person who has had one prior expunction granted for an offense that was committed when he or she was a minor to have another eligible record expunged, unless the prior expunction was for an offense in which the minor was charged as an adult, the person is not eligible for a subsequent expunction.

Issue: **Designated Safe Exchange Locations**

Outcome: **Died. HB in Rules. SB died in Judiciary.**

(HB 1031 Rep. Rudman and SB 1286 Sen. Book)

The bill would have required each board of county commissioners to designate at least one sheriff's office, or substation location, as a safe exchange location for parents to exchange custody of a child under a parenting plan. The bill would have also established minimum requirements that each sheriff's office would have had to have met, including installing a purple light in the parking lot of the sheriff's office to identify the location.

Issue: **Department of Highway Safety and Motor Vehicles**

Outcome: **Failed. HB died in Fiscal Policy. SB died on Senate calendar.**

(HB 1085 Rep. Maney and SB 1252 Sen. DiCeglie)

The bill would have required all Florida law enforcement agencies to electronically submit uniform crash reports to DHSMV and would have required motor vehicle licenses or identification



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cards for sexual offenders to have all information on the front of the license or identification card printed in red. Finally, the bill would have prohibited a driver from operating a motor vehicle in the left-hand lane of a highway, except when passing another vehicle.

Issue: **Workers' Compensation Benefits for PTSD**

Outcome: **Failed. HB died in Commerce Committee. SB died in Governmental Oversight and Accountability.**

(HB 337 Rep. McFarland and SB 352 Sen. Burgess)

The bill would have expanded PTSD benefits to 911 dispatchers and Crime Scene Investigators after experiencing certain qualifying events.

Issue: **Cybersecurity**

Outcome: **Failed. SB died in Conference Committee.**

(SB 2508 Appropriations)

The bill would have transferred the Cybersecurity Operations Center (CSOC) and its associated duties, responsibilities, contracts, unexpended balances of appropriations, allocations, and positions from the Florida Digital Service (FDS) within the DMS to FDLE.

Issue: **Lawful Breath Test for Alcohol**

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

(HB 197 Rep. Koster and SB 296 Sen. DiCeglie)

The bill would have required a person arrested for DUI who refuses to submit to a lawful breath test to install an ignition interlock device, at his or her expense, on all vehicles he or she individually or jointly leases or owns and routinely operates.

Issue: **Contraband Forfeiture**

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

(HB 1081 Rep. Benjamin and SB 1556 Sen. Perry)

The bill would have tied forfeiture proceedings under the Florida Contraband Forfeiture Act to a defendant's criminal case that was the basis for the asset forfeiture and would have prohibited a local, county, or state law enforcement agency or other seizing agency from referring, transferring, or otherwise relinquishing possession of property seized under state law to a federal agency for the purpose of forfeiting the property under federal law. The bill would have also limited a state or local law enforcement agency's ability to receive proceeds from a forfeiture



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obtained in a joint task force operation with the federal government if the forfeiture is made pursuant to federal law unless the value of the seized property is over \$100,000.

Issue: **Surrendered Newborns**

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

(HB 899 Rep. Beltran and SB 870 Sen. Burton)

The bill would have allowed hospitals, emergency medical service stations, and fire stations that are staffed 24 hours a day to opt to utilize newborn safety devices.

Issue: **Illicit Massage Establishments**

Outcome: **Failed. HB died on House Calendar. SB died in Messages.**

(HB 615 Rep. Lopez(V) and SB 1338 Sen. Martin)

The bill would have made several changes to crack down on illicit massage establishments by increasing the Department of Health's authority to issue emergency orders suspending the license of a massage therapist and adding additional requirements that a massage establishment must follow, including prohibiting windows from being fully covered, requiring additional record keeping of employees and clients, hours of operation, etc.

Issue: **Department of Agriculture and Consumer Services**

Outcome: **Passed, Chapter No. 2023-155**

Effective: *July 1, 2023.*

(HB 1307 Rep. McClure and SB 1150 Sen. Ingoglia)

The bill provides criminal penalties for retail fuel theft violations. Specifically, the bill provides that a person commits:

- A third-degree felony for intentionally accessing any internal portion of a retail fuel dispenser or possesses any device constructed for the purpose of fraudulently altering the normal functioning of a retail fuel dispenser.
- A second-degree felony for intentionally tampering with any mechanical or electronic component located within the internal portion of a retail fuel dispenser or uses any form of electronic communication to fraudulently manipulate a retail fuel dispenser.
- A third degree felony for obtaining fuel as a result of violating any provision relating retail fuel theft or modifies a vehicle's factory installed fuel tank or possesses any item used to hold fuel which was not fitted to a vehicle or conveyance at the time of manufacture with the intent to use such fuel tank or item to hold or transport fuel obtained by violating any provision relating to retail fuel theft.



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- A third-degree felony for assisting a person in violating any provision relating to retail fuel theft and provides that a person convicted of a violation of retail fuel theft is responsible for all reasonable costs incurred by the investigating law enforcement agency.

Impact to Sheriffs: The law will deter fuel theft across the state by adding additional criminal penalties for fuel theft.

Issue: **Recall of County Officers and Commissioners**

Outcome: Died. HB died in Rules. SB died in Rules.

(HB 131 Rep. Rudman and SB 1066 Sen. Collins)

The joint resolution would have proposed amending the Florida Constitution to allow the Legislature to provide by general law for the recall of any county officer or commissioner.

Issue: **Licensed Counseling for First Responders**

Outcome: Died. HB died in Constitutional Rights, Rule of Law & Government Operations Subcommittee. SB died in Community Affairs.

(HB 169 Rep. Lopez(V)) and SB 314 Rep. Rodriguez)

The bill would have required a state or local government agency to provide up to 36 hours of licensed counseling to an employee or volunteer who is a law enforcement officer, firefighter, emergency medical technician, paramedic, correctional officer, or correctional probation officer if the employee has witnessed certain traumatic events in the course of the employee's or volunteer's official duties. The employee would have been authorized to choose a counselor of their choice at a rate of up to \$500 per hour.

Issue: **Rights of Law Enforcement Officers**

Outcome: Died. HB died in Criminal Justice Subcommittee. SB died in governmental Oversight and Accountability.

(HB 927 Rep. Alvarez and SB 1086 Sen. Gruters)

The bill would have created a new judicial remedy in the Law Enforcement Officer's Bill of Rights to allow an officer to appeal to a court if an officer was disciplined, suspended, demoted, or dismissed without proper notice or if a violation of 112.534, F.S. was discovered after an interview.

Issue: **Pregnant Inmates**

Outcome: Failed. HB died in Fiscal Policy. SB died in Criminal Justice.



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(HB 779 Rep. Hart and SB 730 Sen. Jones)

The bill would have required county and municipal detention facilities and juvenile detention centers or facilities to provide pregnancy tests, upon request, to female arrestees who have been detained for longer than 72 hours following arrest.





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