



Broward County Chiefs of Police Association, Inc.

Legal Update

Legal Advisor Committee

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JANUARY 2017 LEGAL UPDATE **HAPPY NEW YEAR!**

Legislative Update

SB 80 – Public Records

Introducer(s): Senator Greg Steube

Related Bills: N/A

Last Action: Referred to Gov't Oversight, Community Affairs & Judiciary on 12/16/16

Effective Date: 7/1/2017

Bill amends F.S. 119.12, by removing the mandatory imposition of attorney fees. Additionally, as a condition precedent to any possible award of attorney's fees, the requestor is required to show that they provided written notice of the public records request to the agency's records custodian, at least 5 days before the lawsuit was filed.

SB 128 – Self-Defense Immunity

Introducer(s): Senators Rob Bradley, Wilton Simpson, Aaron Bean, & Dennis Baxley

Related Bills: N/A

Last Action: Referred to Judiciary and Rules on 12/120/16

Effective Date: Upon becoming law

The Bill amends F.S. 776.032, by requiring the State to prove beyond a reasonable doubt that a defendant is not entitled to stand your ground immunity.

SB 140 – Open Carrying of a Handgun

Introducer(s): Senator Greg Steube

Related Bills: HB 6001(Carry in non-sterile areas of an airport) & HB 6005 (Carry on university and college campuses)

Last Action: Referred to Judiciary, Gov't Oversight, & Rules

Effective Date: 7/1/2017

Bill amends F.S. 790.06 (License to Carry Concealed Weapon or Firearm), to permit the open carrying of a firearm by any individual that has a valid concealed carry license.

SB 144 – Use of Wireless Communications Devices While Driving

Introducer(s): Senator Rene Garcia

Related Bills: HB 69 & HB 69 (all violations are primary offense)

Last Action: Filed on 11/23/2016

Effective Date: 7/1/2017

Bill permits the enforcement of texting while driving as a primary offense for drivers 18 years of age or younger. Otherwise, the enforcement must be a secondary offense.

SB 154 – Autism Awareness Training for Law Enforcement Officers

Introducer(s): Senator(s) Perry Thurston and Rene Garcia

Related Bills: HB 39

Last Action: Filed on 12/13/2016

Effective Date: 10/1/2017

Bill creates F.S. 943.1727, requiring law enforcement agencies to establish online training relating to autism spectrum disorder. The training must, at the minimum, include instruction on the recognition of the symptoms and idiosyncrasies of an individual on the autism disorder spectrum and appropriate responses to an individual exhibiting those idiosyncrasies. The training may count towards the 40 hours required for continued employment and must be part of a new officer's training program.

SB 178 – Traffic Infraction Detectors

Introducer(s): Senators Frank Artiles & Jeff Brandes

Related Bill(s): HB 6007

Last Action: Filed on 12/15/16

Effective Date: 7/1/2017

Bill repeals the Mark Wandall Traffic Safety Act (Red Light Cameras)

SB 180 – Traffic Infraction Detectors

Introducer(s): Senators Jose Javier Rodriguez

Related Bill(s): N/A

Last Action: Filed on 12/16/16

Effective Date: 10/1/2017

The Bill amends the Mark Wandall Traffic Safety Act to reduce the fine for a violation to \$50. If a law enforcement officer issues the citation, the issuing municipality will not receive any proceeds from the fine paid. However, if the municipality's traffic infraction enforcement officer issues the citation, the municipality will receive \$24 for each fine paid. Additionally, a first time offender may elect to attend a driver improvement course in lieu of paying the fine.

SB 196 – Juvenile Civil Citation or Similar Diversion Programs

Introducer(s): Senator Anitere Flores

Related Bill(s): N/A

Last Action: Filed on 12/20/2016

Effective Date: 7/1/2017

Bill amends F.S. 985.12, to mandate that officers provide a juvenile first time offender, of a qualified misdemeanor offense, the opportunity to enter a diversion program. Additionally, if an officer arrests a juvenile for a second, third, or a first time non-qualified misdemeanor offense, the officer must provide written documentation describing why the arrest was warranted.