



Broward County Chiefs of Police Association, Inc.

Legal Update

Legal Advisor Committee

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OCTOBER 2017 LEGAL UPDATE

Legislative Update

SB 126 – Workers’ Compensation for First Responders

Introducer(s): Senator Victor Torres, Jr.

Last Action: Referred to Banking and Insurance; Appropriations; & Rules Committees & the Appropriations Subcommittee on General Government on 8/28/18

Related Bill(s): SB 376 & HB 227

Effective Date: 7/1/18

Bill amends F.S. 112.1815, by changing the standard of proof for demonstrating a mental or nervous injury to a preponderance of the evidence (presently the standard is clear and convincing evidence.) Bill also provides that a payment of indemnity may be due if a mental or nervous injury results in disability or death of the first responder, even if no physical injury occurred.

SB 196 – Gun Safety

Introducer(s): Senator Linda Stewart

Last Action: 8/28/17 referred to Judiciary; Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations

Related Bill(s): HB 219 filed on 10/3/17

Effective Date: 10/1/18

Bill creates F.S. 790.30, which prohibits the sale and transfer of assault weapons or large capacity magazines and provides exceptions to the prohibition.

SB 262 – Searches by Law Enforcement Officers

Introducer(s): Senator Gary Farmer, Jr.

Last Action: Placed on Criminal Justice Committee Agenda on 10/9/17 and was Temporarily Postponed

Related Bills: HB 233

Effective Date: 7/1/18

Bill creates F.S. 933.50, requiring law enforcement officers to inform a subject of their right to refuse consent prior to instituting a consensual search.

SB 274 – Concealed Weapons

Introducer(s): Senator Kelli Stargel

Last Action: Referred to Judiciary; Education; & Rules Committees on 9/22/17

Related Bills: HB 113

Effective Date: 7/1/18

Bill amend F.S. 790.115 (Prohibiting the Possession of Weapons or Firearms on School Property), by permitting concealed weapon license holders to carry a concealed weapon or firearm on private school property, if a religious institution is located on the property. The bill also permits a license holder to carry in a public school, career center and college and university, regardless of whether there is a religious institution located on the property.

SB 308 – Federal Immigration Enforcement (“Rule of Law Adherence Act”)

Introducer(s): Senators Aaron Bean & Greg Steube

Last Action: Referred to Judiciary & Rules Committees on 9/29/17

Related Bills: HB 9

Effective Date: 7/1/18, except for sections relating to filing and investigation of complaints, which takes effect on 10/1/18

The “Rule of Law Adherence Act” prohibits state entities, local governmental entities and law enforcement agencies from creating “sanctuary” immigration policies and requires law enforcement agencies to cooperate with federal authorities in the enforcement of immigration laws. The Bill also requires the Attorney General’s Office to provide a complaint process through the Department of Legal Affairs website and charges the State Attorney in the county where the complaint is filed to investigate any allegation of sanctuary policies and bring an action in court to seek injunctive relief to abate the entities non-compliance with immigration laws.

SB 336 – Law Enforcement Vehicles

Introducer(s): Senator Denise Grimsley

Last Action: Filed on 9/22/17

Related Bills: SB 356 & HB 141

Effective date: 7/1/18

Bill amends F.S. 338.155, by exempting all law enforcement vehicles (marked and unmarked) that are being used for official business from toll requirements.

SB 400 – Concealed Weapons or Firearms

Introducer(s): Senator Daphne Campbell

Last Action: Filed on 10/3/17

Related Bills: HB 269

Effective Date: 7/1/18

Bill amends F.S. 790.06, by adding the requirement of a mental health examination, conducted by a licensed professional, prior to the issuance of a concealed weapons license. The licensed professional must find that the applicant is competent and of sound mind.

SB 406 – Retirement

Introducer(s): Senator Greg Steube

Last Action: Filed on 10/3/17

Related Bills: HB 251

Effective Date: 7/1/18

Bill provides an exception to the FRS reemployment after retirement limitation which permits a retiree to be reemployed by an employer participating in the FRS before completion of the 12-month limitation period, if the member is employed on a part-time basis and is not qualified to receive retirement benefits for the 12 calendar months immediately subsequent to the date of reemployment.

SB 430 – Restoration of Civil Rights

Introducer(s): Senator Perry Thurston

Last action: Filled on 10/5/17

Related Bills: SJR 428, HB 59, & HB 61

Effective Date: On the effective date of SJR 428 or another amendment to the State Constitution which authorizes, or removes impediments to the enactment of this Bill

Bill amends F.S. 944.294, by creating an automatic restoration of a convicted felon's civil rights upon completion of his sentence. This automatic restoration only applies to specified felonies and does not apply to the right to possess firearms. Additionally, the Bill would be applied retroactively to all eligible convicted felons.

SB 456 – Bump-fire Stocks

Introducer(s): Senator Jeff Brandes

Last Action: Filed on 10/10/17

Related Bills: N/A

Effective Date: 10/1/18

Bill enacts F.S. 790.34, which creates a third degree felony for the possession, sale or transfer of a bump-fire stock. A bump-fire stock is defined as a gun conversion kit, a tool, an accessory, or a device used to alter the rate of fire of a firearm to mimic automatic weapon fire or which is used to increase the rate of fire of a semiautomatic firearm to a faster rate than is possible for a person to fire such semiautomatic firearm unassisted by a kit, a tool, an accessory, or a device. The Bill also creates a process for a person who possesses a bump-fire stock to relinquish same to a law enforcement agency for destruction.

SB 458 – Controlled Substance Providing

Introducer(s): Senator Aaron Bean

Last Action: Filed on 10/9/17

Related Bills: N/A

Effective date: 7/1/18

Bill amends F.S. 456.44, by limiting an initial prescription for an opioid controlled substance to a seven (7) day supply. A refill of the prescription is limited to a thirty (30) day supply, unless the patient is in hospice care, is being treated for cancer, or is being treated for chronic nonmalignant pain as defined in this Statute.