



Broward County Chiefs of Police Association, Inc.

## ***Legal Update***

**Legal Advisor Committee**

Bradley H. Weissman  
Melissa Zelniker-Presser  
Jeanette Camacho  
Gregg Rossman  
954-828-5622

### **DECEMBER 2018 LEGISLATIVE UPDATE**

#### **SB 76 – Use of Wireless Communications Devices While Driving**

#### **“Florida Ban on Wireless Communications Devices Texting While Driving Law.”**

Introducer(s): Senator Wilton Simpson

Last Action: Filed 11/20/18

Related Bills: HB 45

Effective Date: 10/1/19

Prohibits a person from operating a motor vehicle while manually typing or entering multiple letters, numbers, symbols, or other characters into a wireless communications device or while sending or reading data or listening or talking on such a device for the purpose of non-voice or voice interpersonal communications, including, but not limited to, communication methods known as texting, e-mailing, and instant messaging.

“Wireless communications device” means any handheld device used or capable of being used in a handheld manner which, that is designed or intended to receive or transmit text or character-based messages, access or store data, or connect to the Internet or any communications service as defined in F.S. 812.15 and which that allows text and voice communications.

It is not a violation if the motor vehicle operator is:

- performing official duties as an operator of an authorized emergency vehicle as a law enforcement or fire service professional, or emergency medical services professional;
- reporting an emergency or criminal or suspicious activity to law enforcement authorities;
- receiving messages that are: a) related to the operation or navigation of the motor vehicle; b) safety-related information, including emergency, traffic, or weather alerts; data used primarily by the motor vehicle; or radio broadcasts; or
- using a device or system for navigation purposes.

#### **SB 96 – Police, Fire, and Search and Rescue Dogs**

Introducer(s): Senator Aaron Bean

Last Action: Filed 11/27/18

Related Bills: HB 67

Effective Date: 10/1/19

Bill increases the penalty for intentionally and knowingly causing great bodily harm, permanent disability, or death to, or using a deadly weapon upon, police canines, fire canines, or search and rescue canines from a 3<sup>rd</sup> degree felony to a 2<sup>nd</sup> degree felony. However, it is still a 3<sup>rd</sup> degree felony as it relates to a police horse.

### **SB 102 – Recovery Residences (“Sober Houses”)**

Introducer(s): Senator Lauren Book

Last Action: Filed 11/27/18

Related Bills: N/A

Effective Date: 10/1/19

Bill amends F.S. 397.487 by removing the voluntary certification process. The bill would require recovery residences in operation before 10/1/19 to obtain certification no later than 4/1/20. Recovery residences established on or after 10/1/19 must obtain certification before commencing operation. Operating a recovery residence without a certificate is a 1<sup>st</sup> degree misdemeanor.

### **SB 108 – Regulation of Concealed Weapons Licenses**

Introducer(s): Senator Linda Stewart

Last Action: Filed 11/29/18

Related Bills: N/A

Effective Date: 11/1/20

Bill transfers the concealed weapons licensing program from the Division of Licensing of the Department of Agriculture and Consumer Services (DACS) to the Florida Department of Law Enforcement (FDLE), and creates the Concealed Weapons Licensing Program in FDLE. The Bill requires DACS to transfer all records to FDLE, and prohibits DACS from maintaining any records relating to firearms.

### **SB 116 – Motor Vehicle Racing**

Introducer(s): Senator Linda Stewart

Last Action: Filed 11/30/18

Related Bills: N/A

Effective Date: 10/1/19

Bill amends F.S. 316.191 by increasing the criminal penalty for a third or subsequent violation within 5 years of a previous conviction to a 3<sup>rd</sup> degree felony.