



Broward County Chiefs of Police Association, Inc.

Legal Update

Legal Advisor Committee

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LEGISLATIVE UPDATE

HB 107 – Use of Wireless Communications Devices While Driving

Last Action: Ordered engrossed then enrolled on 4/29/19

Effective Date: 7/1/19, unless stated otherwise.

Bill amends F.S. 316.305 by, creating a primary traffic offense for any person who operates 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 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 that allows text and voice communications.

A motor vehicle that is stationary is not being operated.

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;
- radio broadcasts;
- using a device or system for navigation purposes;
- conducting wireless interpersonal communication that does not require manual entry of multiple letters, numbers, or symbols, except to activate, deactivate, or initiate a feature or function;
- conducting wireless interpersonal communication that 124 does not require reading text messages, except to activate, deactivate, or initiate a feature or function; or
- driving an autonomous vehicle.

A law enforcement officer who stops a motor vehicle for a violation of must inform the operator of their right to decline a search of their wireless communications device and **may not**: 1) access the wireless communications device without a warrant, 2) confiscate the wireless communications device while awaiting issuance of a warrant; 3) obtain consent from the motor vehicle operator to search their wireless communications device through coercion or other improper method.

If a crash resulting in death or personal injury is being investigated, a user's billing records for a wireless communications device or the testimony of or written statements from appropriate authorities receiving such messages may be admissible as evidence in any proceeding to determine whether a violation has been committed.

When a citation is issued for a violation, the law enforcement officer must record the race and ethnicity of the violator. This information shall be reported the DHSMV.

Bill also creates F.S. 316.306 (School and work zones; prohibition on the use of a 169 wireless communications device in a handheld manner), which prohibits the operation of a motor vehicle while using a wireless communications device in a handheld manner in a designated school crossing, school zone, or work zone area as defined in F.S. 316.003(101). With regards to a work zone, it is only a violation if construction personnel are present or are operating equipment on the road or immediately adjacent to the work zone area.

A vehicle that is stationary is not being operated.

Additionally, from October 1, through December 31, 2019, a law enforcement officer may stop vehicles to issue verbal or written warnings for the purposes of informing and educating.

The same exceptions, limitations, and reporting requirements as described in F.S. 316.305 apply. Additionally, officers must identify the type of communications device was being used in the comment section of the citation.

SB 96 – Police, Fire, Search and Rescue Dogs [Ch. 2019-09]

Last Action: Signed by Governor on April 26, 2019

Effective Date: 10/1/19

Bill amends F.S. 843.19, by increasing the penalty for intentionally and knowingly causing great bodily harm, permanent disability, or death to, or using a deadly weapon upon, police, correctional, fire, or search and rescue canines or police horses.

SB 102 – Recovery Residences (“Sober Houses”)

Last Action: Died in Health Policy

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 1st degree misdemeanor.

SB 160 – Prohibited Acts in Connection with Obscene or Lewd Materials

Introducer(s): Senator Lauren Book

Last Action: Ordered engrossed then enrolled on 5/3/19

Effective date: 10/1/19

Bill amends F.S. 847.011 by prohibiting a person from knowingly selling, lending, giving away, distributing, transmitting, showing, or transmuting; offering to sell, lend, give away, distribute, transmit, show, or transmute; have in their possession, custody, or control with the intent to sell, lend, give away, distribute, transmit, show, or transmute; or advertise in any manner an obscene, child-like sex doll.

A person who is found in violation of this Statute commits a misdemeanor of the first degree or a third degree felony for a second or subsequent conviction.

A person who knowingly has in their possession, custody, or control an obscene, child-like sex doll without intent to sell, lend, give away, distribute, transmit, show, transmute, or advertise the same, commits a misdemeanor of the second degree or a misdemeanor of the first degree if a subsequent offense.

SB 168 - Federal Immigration Enforcement

Last Action: Ordered engrossed then enrolled on May 2, 2019

Effective Date: October 1, 2019 or July 1, 2019 as provided in the Act

Bill creates F.S. Ch. 908 (Federal Immigration Enforcement). The Act prohibits a state entity, law enforcement agency, or local governmental entity from adopting or having in effect a sanctuary policy. The Bill also requires law enforcement agencies to use their best efforts to support the enforcement of federal immigration law and prohibits a state entity, local entity, a law enforcement agency, or any of its personnel from prohibiting or restricting: (a) sending information to or requesting, receiving, or reviewing information from a federal immigration agency for purposes of immigration enforcement; (b) recording and maintaining the information for immigration purposes; (c) exchanging information with a federal immigration agency or another state entity, local governmental entity, law enforcement agency for immigration purposes; (d) using information to comply with an immigration detainer; or (e) using information to confirm the identity of a person who is detained by a law enforcement agency.

The Bill further requires a law enforcement agency that has custody of a person subject to an immigration detainer issued by a federal immigration agency to: (a) provide to a judge authorized to grant or deny the person's release on bail under F.S. Chapter 903 notice that the person is subject to an immigration detainer; (b) record in the person's case file that the person is subject to an immigration detainer; (c) upon determining that the immigration detainer is in accordance with F.S. 908.102(2), comply with the requests made in the immigration detainer.

Any executive or administrative state, county, or municipal officer who violates their duties as defined in this Chapter may be subject to action by the Governor in the exercise of his or her authority under the State Constitution and state law.

SB 186 – Public Records/Victim of Mass Violence

Last Action: Ordered engrossed then enrolled on 5/2/19

Effective date: Upon Becoming Law

Bill exempts from public disclosure any photograph, video, or audio recording which depicts or records the killing of a victim of mass violence. Bill also has a sunset provision which expires on October 2, 2024.

A "Killing of a victim of mass violence" means all acts or events that cause or otherwise relate to the death of a person, not including the perpetrator, who is killed in an incident in which three or more people, not including the perpetrator, are killed by an intentional act of violence by another person.

SB 204 – Detention Facilities

Last Action: Died in Rules

A custodial interrogation at a place of detention, including the giving of a required warning, the advisement of the rights of the individual being questioned, and the waiver of any rights by the individual, must be electronically recorded in its entirety, if the interrogation is related to the following offenses: Arson, Sexual Battery, Robbery, Kidnapping, Aggravated Child Abuse, Aggravated Abuse of an Elderly Person or Disabled Adult, Aggravated Assault with a Deadly Weapon, Murder, Manslaughter, Aggravated Manslaughter of an Elderly Person or Disabled Adult, Aggravated Manslaughter of a Child, The Unlawful Throwing, Placing, or Discharging of a Destructive Device or Bomb, Armed Burglary, Aggravated Battery, Aggravated Stalking, Home-invasion Robbery, and Carjacking.

If a law enforcement officer conducts a custodial interrogation at a place of detention without electronically recording the interrogation, the officer must prepare a written report explaining the reason why he or she did not record the interrogation. If a law enforcement officer conducts a custodial interrogation at a place other than a place of detention they shall, as soon as possible, prepare a written report explaining the circumstances of the interrogation at the place of interrogation and summarize the custodial interrogation process and the individual's statements.

Exceptions to the recording requirement are:

- an unforeseen equipment malfunction prevents recording the custodial interrogation in its entirety;
- a suspect refuses to participate in a custodial interrogation if his or her statements are to be electronically recorded;
- an equipment operator error prevents recording the custodial interrogation in its entirety;
- the statement is made spontaneously and not in response to a custodial interrogation;
- the statement is made during the processing of the arrest of a suspect;
- the custodial interrogation occurs when the law enforcement officer participating in the interrogation does not have any knowledge of facts and circumstances that would lead an officer to reasonably believe that the individual being interrogated may have committed an enumerated offense;
- the law enforcement officer conducting the custodial interrogation reasonably believes that making an electronic recording would jeopardize the safety of the officer, the individual being interrogated, or others; or
- the custodial interrogation is conducted outside of this state.

Unless a court finds that one or more of the above-listed extenuating circumstances exist, the court must consider the failure to record the interrogation in determining the admissibility of the statement and if, the statement is deemed admissible the court must, on request, give the jury an admonition stating that the statement was not recorded as required by law.

If a law enforcement agency has adopted policies mandating adherence to this law, the agency is not civilly liable for damages arising from the failure to record.

SB 210 – Searches of Cellular Phones and Other Electronic Devices

Last Action: Died in Judiciary

Bill amends F.S. 934.42 by requiring the issuance of a search warrant for installing and using a real time mobile tracking device, real time cell site location data, real time GPS tracking, and historical location data.

An exception to the warrant requirement exists when any investigative or law enforcement officer specially designated by the Governor, the Attorney General, the statewide prosecutor, or a state attorney reasonably determines that an emergency exists which:

- involves immediate danger of death or serious physical injury to any person or the danger of escape of a prisoner; and
- requires real-time location tracking before a warrant authorizing such tracking can, with due diligence, be obtained; and
- there are grounds upon which a warrant could be issued to authorize such tracking,

However, within 48 hours after the tracking has occurred or begins to occur, a warrant approving the tracking must be issued or in the absence of an authorizing warrant, such tracking must immediately terminate when the information sought is obtained, when the application for the warrant is denied, or when 48 hours have lapsed since the tracking began, whichever is earlier.

Bill also amends F.S. 934.03 (Interception and disclosure of wire, oral, or electronic communications), by requiring a search warrant for obtaining such information.

SB 248 – Public Records/Civilian Police Personnel [Ch. 2019-12]

Last Action: Signed by the Governor on 4/26/19

Effective Date: 7/1/19

Bill clarifies the public records exemption for active and former civilian law enforcement personnel. “Home address” is defined as the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address.

Additionally, the Bill provides a procedure for authorizing the release of protected information by the protected individual.

Bill also removes the sunset provision.

SB 384 – Medical Use Of Marijuana in Schools

Last Action: Died in Health Policy

Bill amends F.S. 381.986, by permitting a caregiver of a student, who is qualified patient, to designate a county designated caregiver to assist the student with the medical use of marijuana during the school day. The Bill also provides for a process by which a parent or caregiver can request that medical marijuana be administered to a student by a county designated caregiver. Additionally, a school is prohibited from obstructing a qualified student from accessing medical marijuana during the school day.

HB 7125 – Public Safety

Last Action: Ordered engrossed then enrolled on 5/3/19

Effective Date: 10/1/19

Bill amends F.S. 812.014, by:

- raising the threshold to a Grand Theft to \$750;
- reducing the theft of a fire extinguisher, from the inventory of a point of sale to a misdemeanor offense (otherwise still a third degree felony);

SB 408 – Drug Offenses

Last Action: Died in Judiciary

Bill creates F.S. 893.066 (Unlawful possession of pill press), which prohibits the possession of a pill press or other similar mechanical device which is capable of compressing powder into pills, tablets, or capsules of uniform size and weight, with the intent to unlawfully manufacture a pill, tablet, or capsule containing a controlled substance (third degree felony).

Bill also creates the offense of Trafficking in Pharmaceuticals (F.S. 893.135(1)(o)). Specifically, it is unlawful for any person to knowingly sell, purchase, deliver, or bring into this state, or who is knowingly in actual or constructive possession of, 120 or more dosage units containing a pharmaceutical controlled substance commits a felony of the first degree. The Bill also provides minimum mandatory sentences and increased fines depending on the dosage units being trafficked.

A pharmaceutical controlled substance (“dosage unit”) is defined as an individual tablet, capsule, pill, transdermal patch, unit of sublingual gelatin, or other visually distinctive form, with a clear manufacturer marking on each unit, of a commercial drug product approved by the federal Food and Drug Administration and manufactured and distributed by a pharmaceutical company lawfully doing business in the United States.

SB 466 – Assault Weapons and Large Capacity Magazines

Last Action: Died in Judiciary

Bill creates F.S. 790.301, which prohibits the possession, sale, or transfer of an assault weapon or large-capacity ammunition magazine (holding more than 10 rounds). The unlawful sale or transfer is a second degree felony carrying a six year minimum mandatory sentence. Simple possession is a third degree felony. The Bill also creates exemption for persons already in possession of an assault weapon or high capacity magazine by a specified date, as long as they are eligible to obtain a certificate of possession.

HB 595 – Alcohol or Drug Overdose Protection

Last Action: Ordered enrolled on 4/24/19

Effective Date: 7/1/19

Bill amends F.S. 562.11 (Selling, Giving, or Serving Alcohol to a Minor) by providing immunity to a person who gives alcohol to a minor if, acting in good faith, they seek medical assistance for the minor who is experiencing, or believed to be experiencing, an alcohol-related overdose, if the evidence for such offense was obtained as a result of the person’s seeking medical assistance. In order to take advantage of the immunity the person must remain at the scene until emergency medical services personnel arrive and must cooperate with the emergency medical services personnel and law enforcement officers at the scene.

Bill also provided immunity from prosecution for a minor who experiences, or has a good faith belief that they are experiencing, an alcohol-related overdose and is in need of medical assistance.

Bill amends F.S. 893.21 (Alcohol-related or drug-related overdoses; medical assistance; immunity from arrest, charge, prosecution, and penalization), by providing the same immunity as described above for alcohol or drug related incidents.

HB 441 – 911 Services

Last Action: Ordered enrolled on 4/30/19

Effective Date: 7/1/19

Bill amends F.S. 365.172(15) [TEXT-TO-911 SERVICE], by requiring each county to develop a countywide implementation plan for text-to-911 services and, by to have in place by January 1, 2022, a system to receive E911 text messages from providers.

Bill creates F.S. 365.177, [Transfer of E911 calls between systems], which requires the Department of Management Services to develop and implement a plan, by February 1, 2020, to upgrade 911 public safety answering points within the state to allow the transfer of an emergency call from one local, multijurisdictional, or regional E911 system to another local, multijurisdictional, or regional E911 system in the state. Such transfer should include, voice, text message, image, video, caller identification information, location information, and additional standards-based 911 call information.

Bill created F.S. 365.179 [Direct radio communication between 911 public safety answering points and first responders], which requires each sheriff, in collaboration with all first responder agency heads in their county, to facilitate a written interlocal agreement between all primary first responder agencies within the county. Each agreement must establish written protocols that outline circumstances and public safety emergencies under which a PSAP will directly provide notice by radio of an emergency to the on-duty personnel of a first responder agency for which the PSAP does not provide primary dispatch functions. Each agreement must require the PSAP to have direct radio contact with primary first responder agencies and their dispatchers, for whom the can reasonably receive 911 communications, without having to transfer a 911 communication to another PSAP or dispatch center for dispatch. The method of complying with this requirement shall be established by the first responder agency heads and set forth in each interlocal agreement.

Each PSAP must be capable of immediately broadcasting 911 communications or public safety information over the primary radio dispatch channels of each first responder agency in the county it serves, except in those first responders service areas where the PSAP cannot reasonably receive 911 calls. If a county or jurisdiction has multiple PSAPs, each PSAP must have this capability. Unless technologically precluded due to radio incompatibility, upon written request from a law enforcement agency head, a law enforcement agency head in the same county or in an adjacent jurisdiction in another county must authorize the requesting agency to install the responding agency's primary dispatch channel or channels in the requesting agency's PSAP, dispatch center, or mobile or portable radios.

By January 1, 2020, each sheriff shall provide to the Department of Law Enforcement with a copy of each interlocal agreement made between the primary first responder agencies within their county and a written certification that all PSAPs in their county are in compliance with this section.

HB 453 – Mobility Devices and Motorized Scooters

Last Action: Ordered enrolled on 5/1/19

Effective Date: Upon becoming law

Bill amends F.S. 316.003, by defining a “Micromobility Device” as “any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined in this chapter.

“Motorized Scooter” is defined as “any vehicle or micromobility device that is powered by a motor with or without not having a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground.

Bill also amends F.S. 316.2128, by providing the operator of a “Micromobility Device” or “Motorized Scooter” as having all rights and duties as a rider of a bicycle, with the exception of requiring a seat and the use of a child seat. Additionally, the operator of such devices is not required to have a driver’s license or insurance.

Lastly, the Bill permits a local government to adopt an ordinance governing the operation of micromobility devices and motorized scooters on streets, highways, sidewalks, and sidewalk areas under the local government’s jurisdiction.

SB 598 – Firearms/Religious Institutions

Last Action: Died in Criminal Justice

Bill amends F.S. 790.115 (Possessing or Discharging Weapons or Firearms at school sponsored events or on School Property), by authorizing a concealed weapon license holder to possess a firearm, or other weapon during school sponsored events if authorized to do so in support of the school activity.

Bill also permits the concealed weapon permit holder to carry, in a concealed manner, a firearm or other weapon upon the property of a religious institution, if the property also contains a school. However, said weapon may not be carried during school hours or when curricular or extracurricular school sponsored events are taking place, or where prohibited by federal law.

SB 634 – Child Welfare

Last Action: Died in Appropriations

Bill amends F.S. 39.0142, by requiring FDLE to provide information to a law enforcement officer stating whether a person is a parent or caregiver who is currently the subject of a child protective investigation for alleged child abuse, abandonment, or neglect or is a parent or caregiver of a child who has been allowed to return to or remain in the home under judicial supervision after an adjudication of dependency. This information shall be provided via a Florida Crime Information Center query into the department's child protection database.

Additionally, all interactions between a law enforcement officer and a parent or caregiver shall be reported and details provided by the law enforcement officer to the central abuse hotline immediately after the interaction.

HB 487 – Carrying of Firearms by Tactical Medical Professionals (SWAT Medics)

Last Action: Ordered engrossed and enrolled on 5/1/19

Effective Date: 7/1/19

Bill amends F.S. 790.25, by permitting a tactical medical professional who are actively operating in direct support of a tactical operation by a law enforcement agency to carry a firearm (openly or concealed) provided that (a) the tactical medical professional is lawfully able to possess firearms and has an active concealed weapons permit; (b) is appointed to a law enforcement tactical team of a law enforcement agency by the head of the law enforcement agency; (c) the law enforcement agency has an established policy providing for the appointment, training, and deployment of the tactical medical professional; (d) the tactical medical professional successfully completes a firearms safety training and tactical training as established or designated by the appointing law enforcement agency; and (e) the law enforcement agency provides and the tactical medical professional participates in annual firearm training and tactical training. Additionally, the Bill affords tactical medical professionals the same immunities and privileges as a law enforcement officer, with the exception of arrest powers.

The Bill does not authorize a tactical medical professional to carry, transport, or store any firearm or ammunition on any fire apparatus or EMS vehicle. Additionally, the Bill requires the appointing law enforcement agency to issue any firearm or ammunition that the tactical medical professional carries in the performance of their duties.

A “tactical medical professional” is defined as a paramedic, physician, or osteopathic physician, who is appointed to provide direct support to a tactical law enforcement unit by providing medical services at high-risk incidents, including, but not limited to, hostages incidents, narcotics raids, hazardous surveillance, sniper incidents, armed suicidal persons, barricaded suspects, high risk felony warrant service, fugitives refusing to surrender, and active shooter incidents.

SB 766 – Drones

Last Action: Died in Rules

Bill amends F.S. 934.50 by permitting law enforcement’s use of drones assist in crowd control involving a group of 50 or more persons; to assist in traffic management (not for evidence collection related to traffic enforcement), and to facilitate the collection of evidence at a crime scene or traffic crash scene.

Bill also permits a state agency or political subdivision to use a drone for the assessment of damage due to a flood, wildfire, natural disaster, or for land management.

SB 776 – Sexual Misconduct Reporting in Health Care

Last Action: Died in Appropriations Subcommittee on Health and Human Services

Bill requires any licensed health care facility to enact a policy that requires any employee, contractor, volunteer, or intern who witnesses sexual misconduct involving a patient in the care of the facility or who otherwise knows or has reasonable cause to suspect that a person has engaged in sexual misconduct involving a patient in the care of the facility, to immediately report the sexual misconduct to the facility, the statewide toll-free complaint telephone number, and the appropriate local law enforcement agency.

Any facility employee, contractor, volunteer, or intern who fails to report such sexual misconduct or fails to accurately or truthfully report such conduct commits a first degree misdemeanor. Any person who knowingly or willfully coerces or threatens any other person with the intent to alter testimony or a written report regarding an incident of sexual misconduct commits a felony of the third degree.

SB 800 – Duty to Assist

Last Action: Died in Judiciary

Bill amends F.S. 768.13 (Good Samaritan Act) by requiring a person who is at the scene of an emergency and who knows that another person is exposed to or has suffered serious bodily injury to the extent that they can do so without causing danger or peril to oneself or others, provide reasonable assistance to the exposed or injured person. Reasonable assistance includes contacting, obtaining, or attempting to contact or obtain aid from law enforcement or medical personnel. A person who fails to provide assistance commits a second degree misdemeanor.

SB 822 – Assault or Battery on Specified Persons

Last Action: Died in Appropriations Subcommittee on Criminal and Civil Justice

Bill amends F.S. 787.07, by adding code enforcement officers, park employees and lifeguards to the enhancement penalties.

HB 845 – Public Records/Petition for Certain Protective Injunctions

Last Action: Ordered enrolled on 4/30/19

Effective Date: 7/1/19

Bill amends F.S. 119.0714, declaring that any information that can be used to identify a petitioner or respondent in a petition for an injunction against domestic violence, repeat violence, dating violence, sexual violence, stalking, or cyberstalking and any affidavit, notice of hearing, and temporary injunction is confidential and exempt from public disclosure, until the respondent has been personally served with a copy of the petition for injunction, affidavit, notice of hearing, and temporary injunction.

HB 341 – Motor Vehicles and Railroad Trains

Last Action: Ordered enrolled on 5/1/19

Effective Date: 7/1/19

Bill amends F.S. 316.003, by clarifying that a railroad train is not a motor vehicle as defined in F.S. chapter 316.

Bill also amends F.S. 316.068 (Crash Report Forms), by clarifying that the collection of information pursuant to a traffic crash involving a train is within the discretion of the investigating officer. The Bill also clarifies that a member of a railroad train crew or a passenger on a railroad train is not a passenger for purposes of the traffic crash investigation. However, a member of the railroad train crew shall furnish to an investigating officer the date, time, location of the crash, a description of the vehicles involved, the names and addresses of the parties involved, and the train engineer's and conductor's federal certification, upon request of the law enforcement officer.

SB 1020 – State Hemp Program

Last Action: Ordered engrossed then enrolled

Effective Date: 7/1/19

Bill creates F.S. 581.217, the State Hemp Program within the Department of Agriculture and Consumer Services and provides the requirements for program registration and for the distribution and retail sale of hemp and hemp products. Bill also directs the Commissioner of Agriculture, in consultation with the Governor and Attorney General, to submit a specified plan within a specified timeframe to the United States Secretary of Agriculture.

SB 1136 – Cyberharassment

Last Action: Ordered engrossed then enrolled

Effective Date: 7/1/19

Bill amends F.S. 784.049 (Sexual Cyberharassment), by defining “personal information” as any information that identifies an individual, including, but not limited to, a name, a postal or an e-mail address, a telephone number, a social security number, a date of birth, or any unique physical representation.

The amendment redefines “Sexual Cyberharassment” as the publishing on an internet website or the dissemination via electronic means to another person a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person without their consent, for no legitimate purpose, with the intent to cause substantial emotional distress to the person.

SB 7030 – Implementation of Legislative Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission [Ch. 2019-22]

Last Action: Signed by the Governor on 5/8/19

Effective Date: Upon becoming law unless expressly provided in the MSD Act

Bill amends F.S. 30.15 (Sheriff’s Powers, Duties, and Obligations), by

- mandating that a sheriff establish a guardian training program in their jurisdiction or contract with another sheriff’s agency to perform such duties, once the local school board approves the use of guardians. The training applies to both public schools and charter schools.
- the sheriff conducting the training will be reimbursed for screening-related and training-related costs and for providing a one-time stipend of \$500 to each school guardian who participates in the school guardian program.
- Bill removes the exclusion of teachers from performing the duties of a guardian.
- A sheriff who establishes a guardian program shall consult with FDLE on programmatic guiding principles, practices, and resources.
- Increases the guardian training program to 144 hours. The additional 12 hours must contain a certified nationally recognized diversity training program.

Bill amends F.S. 843.08 (False Impersonation), by adding a school guardian and a security officer licensed under F.S. Ch. 493.

Bill amends F.S. 943.082 (School Safety Awareness Program), by requiring school boards to promote the use of the mobile suspicious activity reporting tool (FortifyFL) by advertising it on the school district website, in newsletters, on school campuses, and in school publications, by installing it on all mobile devices issued to students, and by bookmarking the website on all computer devices issued to students.

Bill amends F.S. 1001.212 (Office of Safe Schools), by

- requiring the Office to provide annual training to appropriate school district and charter school personnel on the proper assessment of physical site security and completion of the school security risk assessment tool.
- Extending the deadline for the coordination with FDLE to provide a centralized integrated data repository until August 1, 2019 (previously December 1, 2018).
- Requiring the convening a School Hardening and Harm Mitigation Workgroup comprised of individuals with subject matter expertise 436 on school campus hardening best practices.

- the School Hardening and Harm Mitigation Workgroup shall submit a safety best practices report to the Office of Safe Schools by August 1, 2020. The report shall include, at a minimum:
 - a prioritized list for the implementation of school campus hardening and harm mitigation strategies and the estimated costs of and timeframes for implementation of the strategies by school districts and charter schools.
 - recommendations for policy and funding enhancements to strengthen school safety and security.
- by August 1, 2019, develop a standardized, statewide behavioral threat assessment instrument for use by all public schools, including a charter school, which addresses early identification, evaluation, early intervention, and student support.
- establish the Statewide Threat Assessment Database Workgroup, who shall provide a report regarding the implementation of the database by December 31, 2019 to the Office of Safe Schools.

Amends F.S. 1002.33 (Charter Schools), by requiring charter schools to comply with:

- safe-school officer requirements,
- creation and use of threat assessment teams,
- school environmental safety incident reporting,
- use of the Safe Schools Assessment Tool,
- adopting an active assailant response plan, use of the mobile suspicious activity reporting tool, and
- youth mental health awareness and mental health training.

Amends F.S. 1003.25 (Procedures for Transferring and Maintaining Records of Students), by:

- requiring that the intra-district transfer of records shall occur within one school day, and the inter-district transfer of records shall occur within 2 school days.
- requiring that the transferred records contain verified reports of serious or recurrent behavior patterns, including threat assessment evaluations and intervention services, psychological evaluations, including therapeutic treatment plans and therapy or progress notes created or maintained by school district or charter school staff.

Amends F.S. 1006.07 (District School Board's Duties), by:

- requiring the school district to designate a school safety specialist, who must be either a school administrator or a law enforcement officer employed by the sheriff's office in the jurisdiction.
- requiring each district school board and charter school governing board must adopt an active assailant response plan. By October 1, 2019, and annually thereafter, each district school superintendent and charter school principal shall certify that all school personnel have received annual training on the procedures contained in the active assailant response plan.
- upon a student's transfer to a different school, the threat assessment team shall verify that any intervention services provided to the student remain in place until the threat assessment team of the receiving school independently determines the need for intervention services.
- requiring each district school board to adopt policies to ensure the accurate and timely reporting of incidents related to school safety and discipline. The district school superintendent is responsible for school environmental safety incident reporting. If the superintendent fails to accurately and timely report such incident, they are subject to suspension or discharge.

Amends F.S. 1006.12 (Safe-school officers at each public school), by adding security agencies to the list of entities that a school board may partner with for school safety officers.

Amends F.S. 1006.1493 (Florida Safe Schools Assessment Tool (“FSSAT”)), by:

- establishing that the FSSAT must be the primary physical site security assessment tool as revised and required by the Office of Safe Schools.
- requiring the Office of Safe Schools to provide annual training to each district’s school safety specialist and other appropriate school district personnel on the assessment of physical site security and completing the FSSAT.
- by October 1 of each year, each school district superintendent shall submit an FSSAT assessment to the department for each school site. Each school-specific assessment must be approved by the district superintendent or their designee, who must be the district’s school safety specialist or a deputy superintendent or assistant superintendent. Failure to comply may result in suspension or discharge.

SB 7048 – Disclosure of Confidential Records

Last Action: Died in messages

Bill amends F.S. 394.4615 (Clinical Records; Confidentiality); F.S. 456.059 (Confidential Communications; Psychiatrist); and F.S. 490.0147 (Confidential Communications; Psychologist), by permitting the release of information from a clinical record to law enforcement and the subject of a threat, when a patient has communicated to a service provider a specific threat to cause serious bodily injury or death to an identified or a readily available person, if the service provider reasonably believes, or should reasonably believe that the client has the apparent intent and ability to imminently or immediately carry out the threat or their declared intention to harm other persons. When such communication has been made, the administrator must authorize the release of sufficient information to provide adequate warning to the person threatened with harm and communicate the threat to law enforcement.