



Broward County Chiefs of Police Association, Inc.

Legal Update

Legal Advisor Committee

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FEBRUARY 2020 LEGISLATIVE UPDATE

SB 70 – Panic Alarms in Schools

Introducer(s): Senators Lauren Book; Lori Berman; Linda Stewart; & Victor Torres, Jr.

Last Action: On Appropriations Subcommittee on Education for 2/18/20 (Passed in Infrastructure and Security (7-0))

Related Bill(s): HB 23

Effective Date: 7/1/20

Bill creates F.S. 1013.373; which requires that each public school must be equipped with a panic alarm system for use in a security emergency, including, but not limited to, a non-fire evacuation, a lockdown, or an active shooter situation. The panic alarm system must be accessible to administrators, teachers, staff, and other designated personnel at all locations on the school grounds. The panic alarm system must be directly linked to the main office at the school and to local law enforcement agencies that are designated as first responders to the school's campus.

SB 92 – Controlled Substances

Introducer(s): Senator David Simmons

Last Action: In App Subcommittee on Crim. and Civil Justice (Passed in Criminal Justice (3-2))

Related Bill(s): N/A

Effective Date: 10/1/20

Bill creates F.S. 893.1355; which enhances the penalty for selling or possessing with intent to sell a controlled substance to a person younger than 21 y.o. Bill also amends F.S. 893.145 (Drug Paraphernalia) by adding vaping-generating electronic devices to the definition of drug paraphernalia.

SB 94 – Transfer of Firearms

Introducer(s): Senators Lauren Book; Linda Stewart; & Jose Javier Rodriguez

Last Action: Now in Infrastructure and Security

Related Bill(s): HB 4541

Effective Date: 10/1/20

Bill creates F.S. 790.0653; which prohibits the sale or transfer of a firearm, including selling or transferring a firearm via the Internet, unless one of the parties to the sale is a licensed dealer. If neither party to a transaction is a licensed dealer, the parties must complete the sale/transfer through a licensed dealer. The license dealer must take possession of the firearm, and process the transaction as if they were the seller of the firearm, including any applicable waiting periods. However, the licensed dealer may allow the seller/transferor to remove the firearm from the dealer's business premises while the background check is conducted and while the applicable waiting period requirements are met. Anyone who violates the requirements of these provisions commits a third degree felony.

SB 114 – Risk Protection Orders

Introducer(s): Senators Lori Berman & Janet Cruz

Last Action: Introduced in Senate Journal on 1/14/20

Related Bill(s): HB 47 (Introduced in House Journal 1/14/20)

Effective Date: 7/1/20

Bill amends F.S. 790.401 (Risk protection orders), by permitting an individual who has a biological or legal parent-child relationship with the respondent, including a stepparent-stepchild relationship and a grandparent-grandchild relationship; an individual who is the legal guardian of a respondent; an individual who is the spouse of a respondent; or a sibling of a respondent to petition the court for a risk protection order.

SB 118 – Security in Trial Court Facilities

Introducer(s): Senator Joe Gruters

Last Action: On Appropriations agenda for 02/20/20 (Passed in Judiciary (6-0) & App. Subcommittee on Crim. and Civil Justice (7-0))

Related Bill(s): HB 131

Effective Date: 7/1/20

Bill amends F.S. 30.15; by requiring the county to fund security for trial court facilities. The Bill also requires the sheriff to coordinate with the board of county commissioners and the chief judge of the circuit on the development of a comprehensive plan for providing security for trial court facilities. Each sheriff shall retain authority over the implementation and provision of law enforcement services. The chief judge shall retain decision-making authority to ensure the protection of due process rights, including, but not limited to, the scheduling and conduct of trials and other judicial proceedings. Additionally, sheriffs and their deputies, employees, and contractors are considered officers of the court when providing security for trial court facilities.

SB 120 – Naloxone in Schools

Introducer(s): Senators Jason Pizzo; Lauren Book; Ed Hooper; Janet Cruz; & Debbie Mayfield

Last Action: In Rules (Passed in Education (8-0) & Health Policy (9-0))

Related Bills: HB 331

Effective Date: 7/1/20

Bill amends F.S. 1002.20, by authorizing public schools to purchase Naloxone. The Naloxone must be maintained in a secure location on the public school's premises. Additionally, the participating school district must adopt a protocol developed by a licensed physician for the administration of the drug by school personnel who are trained to recognize an opioid overdose and to administer naloxone. The Bill also provides for immunity from suit for personnel using the drug that is administered by personnel who have received training on the subject and they do not act in willful and wanton manner.

SB 134 – Preemption of Firearms and Ammunition

Introducer(s): Senators Annette Taddeo & Jose Javier Rodriguez

Last Action: Introduced in Senate Journal 1/14/20

Related Bill(s): HB 6009 (Introduced in House Journal 1/14/20)

Effective Date: 7/1/20

Bill repeals F.S. 790.33 (Relating to the preemption of the field of regulation of firearms and ammunition)

SB 154 – Human Trafficking Education in Schools

Introducer(s): Senators Perry Thurston, Jr.; Gary Farmer, Jr.; Linda Stewart; Audrey Gibson; Randolph Bracy; Janet Cruz; Rob Bradley; Darryl Rouson; Lauren Book; Bobby Powell; & Annette Taddeo
Last Action: On Approp. Calendar for 2nd reading (Passed Education (8-0), Crim. Justice (5-0) and 1st reading in Approp. (20-0))
Related Bill(s): HB 105
Effective Date: 7/1/20

Bill amends F.S. 1003.42 (Required Instruction), by requiring education on the dangers and signs of human trafficking.

SB 160 – Peer to Peer Support for First Responders

Introducer(s): Senators Keith Perry & Ed Hopper
Last Action: In Rules (Passed in Children, Families, and Elder Aff. (6 -0) & Judiciary (6-0))
Related Bill(s): HB 573
Effective Date: 7/1/20

Bill creates F.S. 111.09 (Peer-to-peer support for first responders), which prohibits a first responder peer from divulging a peer support communication or information obtained from a peer support communication or testify regarding information obtained from a peer support communication in any civil, criminal, administrative, or disciplinary proceeding, except in the following circumstances:

- the first responder peer is a defendant in a civil, criminal, administrative, or disciplinary proceeding arising from a complaint filed by the first responder,
- the first responder agrees, in writing, to allow the first responder peer to testify about or divulge information related to the peer support communications,
- the communications by the first responder cause the first responder peer to suspect that the first responder has committed a criminal act or intends to commit a criminal act,
- there are articulable facts or circumstances that would lead a reasonable, prudent person to fear for the safety of the first responder, another person, or society, and the first responder peer communicates the information only to the potential victims, appropriate family members, or a law enforcement agency or other appropriate authorities.

A “first responder peer” is defined as a person who is not a health care practitioner and who is a first responder from the same employing agency as the person seeking peer support; or a civilian designated by the first responder’s employing agency who has received training in providing physical, moral, or emotional support to first responders.

A “peer support communication” is defined as one or more oral communications, made with a mutual expectation of confidentiality, between a first responder and a first responder peer for the purpose of discussing physical or emotional conditions or issues associated with being a first responder and which may extend for a period of 3 days.

SB 346 – Criminal Justice

Introducer(s): Senators Rob Bradley; Jeff Brandes; Keith Perry; Manny Diaz, Jr.; Joe Gruters; Randolph Bracy; Darryl Rouson; Lori Berman; Annette Taddeo; & Linda Stewart
Last Action: Passed Approp. (19-0) (Passed CJ 5-0 & Approp. Subcomm. on Crim. and Civ. Justice 8-0)
Related Bill(s): SB 468, HB 259, & HB 339
Effective Date: 7/1/20

Bill amends F.S. 893.13 (Prohibits acts; penalties), by prohibiting a sentence of greater than twelve (12) months for the offenses of possessing, purchasing, or possessing with the intent to purchase certain a controlled substances.

Bill also amends F.S. 893.135 (Trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking), by providing the court with discretion to waive any minimum mandatory sentence or fine if the court finds that:

- defendant has no prior conviction for a forcible felony;
- defendant did not use violence or credible threats of violence, or possess a firearm or other dangerous weapon, or induce another participant to use violence or credible threats of violence, in connection with the offense;
- the offense did not result in the death of or serious bodily injury to any person;
- the defendant was not an organizer, leader, manager, or supervisor of others in the offense and was not engaged in a continuing criminal enterprise;
- at the time of the sentencing hearing or earlier, the defendant has truthfully provided to the state all information and evidence that he or she possesses concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan.
- the defendant has not previously benefited from a reduced sentence under this application

SB 476 – Law Enforcement Vehicles

Introducer(s): Senator Ed Hooper

Last Action: Presented to Governor on 2/14/20

Effective Date: Upon becoming law

Bill creates F.S. 718.129, 719.131, and 720.318, by prohibiting a homeowner, condominium, cooperative association from preventing a law enforcement officer who is a unit owner, tenant, guest, or invitee from parking their law enforcement vehicle in an area where they would be able to park their personal vehicles.

SB 520 – Drones

Introducer(s): Senators Joe Gruters & Darryl Rouson

Last Action: In Rules (Passed Infrastructure and Security (8-0) & Crim. Justice (4-1))

Related Bill(s): HB 1433

Effective Date: 7/1/20

Bill amends F.S. 934.50 (Searches and seizure using a drone), by expanding the use of a drone for:

- law enforcement to obtain an aerial perspective of a crowd of 50 people or more,
- to assist a law enforcement agency with traffic management; however, a law enforcement agency may not issue a traffic infraction citation based on images or video captured by a drone,
- to facilitate a law enforcement agency's collection of evidence at a crime scene or traffic crash scene,
- by a state agency or political subdivision for the assessment of damage due to a flood, wildfire, or natural disaster or for vegetation or wildlife management on publicly owned land or water,
- by certified fire department personnel to perform tasks within the scope and practice authorized under their certifications to a flood, wildfire, or natural disaster or for vegetation or wildlife management on publicly owned land or water, or
- by certified fire department personnel to perform tasks within the scope and practice authorized under their certifications.

SB 554 – Sentencing

Introducer(s): Senators Jeff Brandes; Keith Perry; & Randolph Bracy
Last Action: In Approp. (Passed Crim. Justice (5-0))
Related Bill(s): N/A
Effective Date: 10/1/20

Bill amends F.S. 921.0026 (Mitigating factors); by adding substance abuse and addiction to the grounds for a mitigation of as sentence.

SB 618 – Detention of Children

Introducer(s): Senator Bobby Powell
Last Action: In Judiciary (Passed Crim. Justice (5-0))
Related Bill(s): SB 610, HB 421, & HB 285
Effective Date: 7/1/20

Bill amends F.S. 985.265 (Detention transfer and release; education; adult jails); by prohibiting the pretrial detention of a juvenile being tried as an adult in an adult facility, unless the judge makes certain findings.

SB 656 – Arrests

Introducer(s): Senator Jason Pizzo
Last Action: In Rules (Passed Crim. Justice (4-0) & Judiciary (6-0))
Related Bills: HB 1379
Effective Date: 10/1/20

Bill amends F.S. 901.15 (When arrest by officer without warrant is lawful), by adding a violation of F.S. 790.22 (Use of BB guns, air or gas-operated guns, or electric weapons or devices by minor under 16; limitation; possession of firearms by minor under 18 prohibited; penalties) to the warrantless arrest exceptions.

SB 728 – Threats

Introducer(s): Senators Kelli Stargel & Travis Hutson
Last Action: In Approp. (Passed Infrastructure and Sec (7-0) & Crim. Justice (5-0))
Related Bills: HB 311
Effective Date: 10/1/20

Bill amends F.S. 790.162 (Threats to throw, project, place, or discharge any destructive device), by reducing the offense to a third degree felony.

The Bill also creates a third degree felony for threatening the use of a firearm or any weapon at a child care facility, school, a religious institution, theme park complex, or any building owned by a federal, state, county, municipality, or other local government or political subdivision, with intent to do bodily harm to any person or with intent to do damage to any of the listed properties, if the threat is sufficient to cause alarm in a reasonable person.

SB 788 – Emergency Preparedness

Introducer(s): Senator Lauren Book
Last Action: In Approp. (Passed Infrastructure and Sec (7-0))
Related Bill(s): HB 997
Effective Date: Upon becoming law, unless provided otherwise

Bill creates F.S. 943.688 (Statewide active assailant response planning); which requires FDLE, in consultation with law enforcement agencies throughout the state, taking into considering the unique needs of different geographic regions, to establish a uniform statewide rule on minimum standards and requirements for how each law enforcement agency must prepare and respond to active assailant situations within their jurisdictions. At a minimum, the uniform statewide rule must address all of the following:

- (a) Detailed procedures for how to respond to a report of an alleged active assailant.
- (b) Detailed procedures for how communications and notifications will be handled with all affected parties and the media.
- (c) Detailed procedures for who from the appropriate law enforcement agency will respond and how they will do so. This includes having a designated person and an alternate person who have been trained or certified on how to handle active assailant situations. (
- (d) Primary and alternate routes to potential targets within each law enforcement agency's jurisdiction.

Additionally, the Bill requires each law enforcement agency to create a policy or rule on active assailant preparedness and response by no later than July 1, 2021. The policy or rule must, at a minimum, include the uniform statewide rule.

The Bill also creates F.S. 1006.121 (School district communication with first responders); which requires a district school board that uses local law enforcement officers on school grounds to develop and execute an interlocal agreement with the local sheriff or local law enforcement, the local fire department, and the local emergency medical services organization to create, at a minimum:

- (a) Protocols to connect the school district to the appropriate dispatch centers.
- (b) Protocols for proper communication between law enforcement agencies, the local fire department, and the local emergency medical services.
- (c) Protocols to share resources relating to mental health services.
- (d) Protocols and requirements for joint recurrent training of local law enforcement officers assigned to a school and the law enforcement agency, the local fire department, and the local emergency medical services organization.
- (e) Protocols and requirements for interoperable communication between the school district and the law enforcement agency, the local fire department, and the local emergency medical services organization.

SB 834 – Emergency Alerts

Introducer(s): Senator David Simmons

Last Action: In Approp. Subcommittee on Transportation, Tourism & Economic Development (Passed Infrastructure and Sec (7-0))

Related Bills: N/A

Effective Date: 10/1/20

Bill creates F.S. 784.072 (Notification of imminent threat to schools and child care facilities or the public; Lockdown Alert; Imminent Threat Alert), which authorizes a local law enforcement agency that has jurisdiction over the scene of an incident giving rise to an imminent threat to the public, may activate the emergency alert system and issue a Lockdown Alert to all public and private schools and child care facilities it determines are at risk, given their proximity to the incident, including an incident in which all of the following conditions are satisfied:

- a person has been killed or has suffered serious bodily injury or a person has been assaulted with a deadly weapon by another person,
- the person suspected of committing the offense has fled the scene of the offense, and

- the law enforcement agency investigating the offense has determined that the suspect poses an imminent threat to the public safety.

For purposes of complying with this section, each local law enforcement agency shall create and maintain a list of all public schools, private schools, and child care facilities within its jurisdiction. Additionally, any private school or child care facility may require a law enforcement agency to remove their school from the agency's list.

Additionally, at the request of a local law enforcement agency, FDLE, in cooperation with DHSMV and DOT, must activate the emergency alert system and issue an Imminent Threat Alert to the public when the local law enforcement agency confirms that an imminent threat to the public exists.

An Imminent Threat Alert must, to the extent practicable, provide a detailed description of a suspect's vehicle or other means of escape, the license plate number of the suspect's vehicle, or any other available information that may assist in averting further harm or in the apprehending of the suspect. The Imminent Threat Alert must be immediately disseminated to the public through the emergency alert system and through the use of the dynamic message signs that are located along the State Highway System.

SB 842 – Injured Police Canines

Introducer(s): Senator Tom Wright

Last Action: In Rules (Passed Health Policy (10-0) & Crim. Justice (5-0))

Related Bills: HB 507

Effective Date: 7/1/20

Bill amends F.S. 401.254 (Treatment of injured police canines), by authorizing a licensed medical transport, paramedic, or emergency medical technician to transport a police canine injured in the line of duty to a veterinary clinic, hospital emergency department, or similar facility and provide care to the canine while at the scene or during transport.

SB 884 – Law Enforcement and Correctional Officers

Introducer(s): Senator Ed Hooper

Last Action: In Approp. Subcommittee Agenda (Passed Crim. Justice (5-0))

Related Bills: HB 453

Effective Date: 7/1/20

Bill amends F.S. 112.531 (Definitions), by including part-time police officers and correctional officers into their respective definitions.

Bill also amends F.S. 112.553 (Law enforcement officers' and correctional officers' rights) by requiring that any disciplinary action against a law enforcement or correctional officer, regardless of the origin, must be completed within 180 days. Additionally, the proposed amendment would require the 180 day period to start as soon as the agency receives the complaint. Thereby removing the requirement that the complaint be received by a person authorized by the agency to initiate an investigation of misconduct to trigger the 180 day period.

SB 1014- Public Safety Telecommunicator Training

Introducer(s): Senator Darryl Rouson

Last Action: In Approp. Subcommittee on Health and Human Services (Passed Health Policy (10-0))

Related Bills(s): HB 995

Effective Date: 7/1/20

Bill amends F.S. 401.465 (911 public safety telecommunicator certification); by adding cardiopulmonary resuscitation training to the certification requirements.

SB 1018 – Exposure of Sexual Organs

Introducer(s): Senator Linda Stewart

Last Action: On Judiciary agenda for 2/19/20 (Passed Crim, Justice (5-0))

Related Bills(s): SB 850 & HB 675

Effective Date: 10/1/20

Bill amends F.S. 800.03 (Exposure of sexual organs), by reclassifying the exposure of sexual organs in a vulgar or indecent manner to a third degree felony.

SB 1024 – Public Records/Criminal Intelligence and Criminal Investigative Information

Introducer(s): Senator Aaron Bean

Last Action: In Rules (Passed Crim. Justice (3-0) & Governmental Oversight and Accountability (5-0))

Related Bill(s): HB 931

Effective Date: 7/1/20

Bill amends F.S. 119.011 (Definitions), by adding an on-going good faith investigation of a claim of actual innocence in a case that previously resulted in a conviction to the public records exceptions.

SB 1198 – Purple Alert

Introducer(s): Senator Lori Berman

Last Action: In Rules (Passed Infrastructure and Sec. (5-0) & Children, Families, & Elder Aff. (6-0))

Related Bill(s): HB 899

Effective Date: 7/1/20

Bill Creates F.S. 937.0205 (Purple Alert), which requires FDLE, in cooperation with FDOT, FDHSMV, the Department of the Lottery, and local law enforcement agencies, to establish and implement a Purple Alert and authorizing local law enforcement agencies to broadcast information which would assist in the location and return of a missing endangered person.

A missing endangered person is one who:

- has a mental or cognitive disability; an intellectual disability or a developmental disability, a brain injury; another physical, mental, or emotional disability that is not related to substance abuse; or a combination of any of these;
- whose disappearance indicates a credible threat of immediate danger or serious bodily harm to himself or herself, as determined by the local law enforcement agency;
- who cannot be returned to safety without law enforcement intervention; and
- who does not meet the criteria for activation of a local Silver Alert or the Silver Alert Plan of the Department of Law Enforcement.

SB 1586 – First Responders Suicide Deterrence Task Force

Introducer(s): Senators Ed Hooper; Keith Perry; Jason Pizzo & Janet Cruz

Last Action: In Rules (Passed Children, families, & Elder Aff. (6-0) & Military & Veterans Aff. (7-0))
Related Bill(s): N/A
Effective Date: 7/1/20

Bill amends F.S. 14.2019 (Statewide Officer of Suicide Prevention); by creating a task force to make recommendations on how to reduce the incidence of suicide and attempted suicide among employed or retired first responders. The task force is composed of a representative of the statewide office and a representative of each of the following first responder organizations, nominated by the organization and appointed by the Secretary of Children and Families: Florida Professional Firefighters, Florida Police Benevolent Association, Florida Fraternal Order of Police: State Lodge, Florida Sheriffs Association, Florida Police Chiefs Association, and Florida Fire Chiefs' Association.

The task force shall identify and make recommendations on developing training programs and materials that would better enable first responders to cope with personal life stressors and stress related to their profession and foster an organizational culture that: promotes mutual support and solidarity among active and retired first responders; trains agency supervisors and managers to identify suicidal risk among active and retired first responders; improves the use and awareness of existing resources among active and retired first responders; and educates active and retired first responders on suicide awareness and help-seeking.

The task force shall report on its findings and recommendations for training programs and materials to the Governor, the President of the Senate, and the Speaker of the House of Representatives by each July 1, beginning in 2021, and through 2023.

SB 1716 – Sentencing

Introducer(s): Senators Jeff Brandes; Jason Pizzo & Randolph Bracy
Last Action: In Approp. Subcommittee on Crim. and Civil justice (Passed Crim. Justice (4-0))
Related Bill(s): N/A
Effective Date: 7/1/20

Bill amends F.S. 775.082 (Penalties; applicability of sentencing structures; mandatory minimum sentences for certain reoffenders previously released from prison); by reducing certain minimum mandatory sentences and deleting a provision that prohibits a prison releasee reoffender from eligibility for any form of early release. The Bill also deletes the requirement that a prison releasee reoffender serve 100 percent of the court-imposed sentence