



Broward County Chiefs of Police Association, Inc.

## ***Legal Update***

### **Legal Advisor Committee**

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### **APRIL 2020 LEGISLATIVE UPDATE**

#### **HB 43 – Child Welfare**

Last Action: Enrolled on 3/12/20

Effective Date: 7/1/20, unless otherwise stated below

In part, the Bill amends F.S. 39.0142 (Notifying law enforcement officers of parent or caregiver names) by starting on March 1, 2021, the FDLE shall provide information to law enforcement indicating 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. The information will be provided via FCIC query into the department's child protection database. If a law enforcement officer has an interaction with a parent or caregiver as described above and the interaction results in the officer having concern about a child's health, safety, or well-being, the officer shall report relevant details of the interaction to the central abuse hotline immediately after the interaction. The central abuse hotline shall then provide any relevant information to the child protective investigator, if the parent or caregiver is the subject of a child protective investigation or the child's case manager and the attorney representing the child in the dependency proceedings, if the parent or caregiver has a child under judicial supervision after an adjudication of dependency.

The Bill also amends F.S. 943.17298 (Training in the recognition of and responses to head trauma and brain injury) by requiring FDLE's Training and Standards Commission to establish standards for the instruction of law enforcement officers in the recognition and response to head trauma and brain injury due to child abuse in a child under 6 years of age. Every law enforcement officer must successfully complete the training as part of the basic recruit training or as a part of continuing retraining or education to maintain their certification.

#### **SB 70 – Panic Alarms in Schools [Known as Alyssa's Law]**

Last Action: Ordered engrossed on 3/10/20

Effective Date: 7/1/20

Bill amends F.S. 10006.07, which requires that beginning with the 2021-2022 school year, every public school, including charter schools, shall implement a mobile panic alert system capable of connecting diverse emergency services technologies to ensure real-time coordination between multiple first responder agencies. The system must integrate with local public safety answering point infrastructure to transmit 911 calls and mobile activations.

### **HB 103 – Subpoena**

Last Action: Ordered enrolled on 3/11/20

Effective Date: 7/1/20

Bill amends F.S. 92.605 (Production of certain records by Florida businesses and out-of-state corporations) by permitting service of process on out of state corporations by effecting service on the registered agent in this State or as authorized under the laws on the state where the process is to be served.

If a Florida business or an out-of-state corporation refuses to comply with a properly served subpoena, the applicant who sought the subpoena may petition a court to compel compliance. The court may address the matter as indirect criminal contempt and may punish a business or corporation by a fine of not less than \$100 per day and not more than \$1,000 per day for a maximum of 60 days.

### **HB 131 – Security in Trial Court Facilities**

Last Action: Ordered enrolled on 3/10/20

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.

### **HB 133 – Towing and Immobilizing Vehicles and Vessels**

Last Action: Ordered engrossed on 3/13/20

Effective Date: 10/1/20

Bill amends several Statutes regulating towing and immobilization by authorizing local governments to enact rates to tow vessels on private property & remove & store vessels. The Bill also prohibits counties or municipalities from enacting ordinances that impose costs or penalties on owners, persons in control, or lienholders of vehicles or vessels, or that require wrecker operators or towing businesses to accept specified form of payment. Lastly, the Bill authorizes persons to place liens on vehicles or vessels to recover fees or charges and revises requirements regarding notices & signs concerning towing or removal of vehicles & vessels.

### **SB 140 – Fireworks**

Last Action: Signed by the Governor on 4/9/20

Effective Date: Upon becoming law

Bill creates F.S. 791.08 (Use during designated holidays; exemption), by providing an exemption for the use of fireworks used during a designated holiday. The designated holidays are: New Year's Eve, New Year's Day, and Independence Day. The Bill also prohibits homeowners' associations from promulgating certain rules or regulations regarding the use of fireworks during the designated holidays.

**HB 199 – Sexual Battery Prosecution**

Last Action: Ordered enrolled on 3/11/20

Effective Date: 7/1/20

Bill amends F.S. 775.15 (Time limitations; general time limitations; exceptions) by permitting the prosecution of a sexual battery on a victim under 18 y.o. to commence at any time, provided that the offense was committed on or after July 1, 2020.

**HB 205 – Unlawful Use of Uniforms, Medal, or Insignia**

Last Action: Ordered enrolled on March 5, 2020

Effective Date: 10/1/20

Amends F.S. 817.312 (Unlawful use of uniforms, medals, or insignia) by including the obtaining of public employment or public office into the types of prohibited conduct.

**SB 294 – Crimes Against Veterans**

Last Action: Ordered enrolled on 3/10/20

Effective Date: 10/1/20

Bill amends F.S. 775.0844 (White Collar Crime Protection Act) by adding the victimization of 10 or more veterans to Act.

**HB 333 – Bail Pending Appellate Review**

Last Action: Ordered enrolled on 3/6/20

Effective Date: 10/1/20

Bill amends F.S. 903.133 (Bail on appeal; prohibiting certain felony convictions) by prohibiting persons convicted of specified offenses from receiving a bond during an appeal of their conviction.

**SB 476 – Law Enforcement Vehicles [Fla. Ch. 2020-5]**

Last Action: Signed into law by Governor on 2/24/20

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.

**HB 573 – Peer to Peer Support for First Responders**

Last Action: Ordered enrolled on 3/12/20

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;
- who has experience working as or with a first responder regarding any physical or emotional conditions or issues associated with the first responder’s employment;
- has been designated by the first responder’s agency to provide peer support and has received training to provide such support.

“Peer support” means the provision of physical, moral, or emotional support to a first responder by a first responder peer for the purpose of addressing physical or emotional conditions or other issues associated with being a first responder.

"Peer support communication" means electronic, oral, or written communication, made with a mutual expectation of confidentiality while a first responder peer is providing peer support in his or her official capacity.

Bill also F.S. 112.531 (Definitions), by including part-time police officers and correctional officers into the definitions of police and correctional officers.

Bill amends F.S. 112.532 (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.

Lastly, Bill amends F.S. 112.533 (Receipt and processing of complaints), by permitting an agency head or their designee to request a sworn or certified investigator from a separate law enforcement or correctional agency to conduct the investigation, when there is a conflict with having an investigator conduct the investigation of an officer of the same employing agency, the employing agency does not have an investigator trained to conduct such investigations, or the agency’s investigator is the subject of, or a witness in, the investigation and such agency is composed of any combination of 35 or fewer law enforcement officers or correctional officers. The employing agency must document the identified conflict and upon completion of the investigation, the investigator shall present their findings without any disciplinary recommendation to the employing agency.

**HB 659 – Drones**

Last Action: Ordered enrolled on 3/6/20

Effective Date: 7/1/20

Bill amends F.S. 934.50 (Searches and seizure using a drone), by prohibiting any person, state agency, or political subdivision from using a drone equipped with an imaging device to record an image of privately owned real property or of the owner, tenant, occupant, invitee, or licensee of such property with the intent to conduct surveillance on the individual or property in violation of such person's reasonable expectation of

privacy without his or her written consent. A person is presumed to have a reasonable expectation of privacy on his or her privately owned real property if he or she is not observable by persons located at ground level in a place where they have a legal right to be, regardless of whether he or she is observable from the air with the use of a drone. All previous exemptions for using a drone still apply.

**HB 675 – Exposure of Sexual Organs**

Last Action: Ordered enrolled on 3/10/20

Effective Date: 10/1/20

Bill amends F.S. 800.03 (Exposure of Sexual Organs) by requiring a vulgar or indecent manner for a violation of public nudity.

**SB 1060 – Public Records and Meetings/911, E911, or Public Safety Radio Communication System**

Last Action: Signed by the Governor on 4/9/20

Effective Date: Upon becoming law

Bill amends F.S. 119.071 (General exemptions from inspection or copying of public records), by exempting from public disclosure building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the structural elements of 911, E911, or public safety radio communication system infrastructure, including towers, antennae, equipment or facilities used to provide 911, E911, or public safety radio communication services, or other 911, E911, or public safety radio communication structures or facilities owned and operated by an agency.

The Bill also exempts from disclosure geographical maps indicating the actual or proposed locations of 911, E911, or public safety radio communication system infrastructure, including towers, antennae, equipment or facilities used to provide 911, E911, or public safety radio services, or other 911, E911, or public safety radio communication structures or facilities owned and operated by an agency.

**SB 1082 – Domestic Violence Injunctions**

Last Action: Ordered enrolled on 3/11/20

Effective Date: 7/1/20

Bill amends F.S. 741.30 (Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement; public records exemption), by authorizing a court to give the petitioner custody, care and control of an animal in domestic violence injunctions.

**SB 1286 – Contraband in Specific Facilities**

Last Action: Ordered enrolled on 3/10/20

Effective Date: 10/1/20

Bill amends F.S. 916.1085 (Introduction or removal of certain articles unlawful; penalty) by including medical marijuana, hemp, industrial hemp, portable communication device, including a cellular phone, any vapor generating electronic device to the list of prohibited items.

**HB 7015 – Body Camera Public Record Exemption**

Last Action: Ordered enrolled on 3/10/20

Effective Date: 10/1/20

Bill extends the statutory exemption for body worn camera images.