

**2016 LEGISLATIVE SUMMARY
LAWS OF INTEREST TO FLORIDA LAW ENFORCEMENT**

This Legal Bulletin contains brief summaries of most laws of interest to the Florida law enforcement community that were passed during the regular session of the 2016 Florida Legislature. The Legislative Summary is posted on the General Counsel portion of FDLE's Internet web site, which may be found at: <http://www.fdle.state.fl.us/cms/OGC/OGC-Home.aspx>. We have not discussed every element of every summarized law. Since this document contains only summaries, you should read the entire content of any law in which you have particular interest by clicking the hyperlink addresses as further explained below.

This year's Summary is the product of the combined efforts of many within the FDLE Office of General Counsel including Deputy General Counsel Jim Martin, Regional Legal Advisor Lauren Gonzalez and Assistant General Counsels Joe White, Shehla Milliron, Linton Eason, Jeff Dambly, Wes Petkovsek, Rebecca Cambria, Janine Robinson, Christopher Bufano, Elisabeth Yerkes, John Booth and Business Consultant Erin Tupper. The Summary includes Internet hyperlinks to the text of the bills. If you access our Summary via the Internet, you can link to the bills directly. If you have a printed copy of the Summary, copy and paste the link into your Internet browser to access a bill. Some laws of interest to you may have been omitted. *Do not rely solely on our Summary for a complete understanding of any bill or the 2016 Session.* Law enforcement officers should check with their chain of command and agency legal advisors to determine the effect specific legislation may have upon agency operations.

Jason L. Jones

FDLE General Counsel
JasonJones@fdle.state.fl.us
(850) 410-7676

Legislative information, including copies of the laws as passed may be accessed on the Florida Legislature's web site (<http://www.leg.state.fl.us>). Select the bill versions ending in "er" and the greatest numeral, which is the "enrolled" version sent to the Governor. *Those without Internet access may obtain printed copies of laws as passed from:*

House Documents Office
Room 513, The Capitol
Tallahassee, FL 32399-1300
(850) 717-5650

Senate Documents Office
Room 405, The Capitol
Tallahassee, FL 32399-1100
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FLORIDA DEPARTMENT OF LAW ENFORCEMENT
OFFICE OF GENERAL COUNSEL



2016 LEGISLATIVE SUMMARY

House Bill 75 (Ch. 2016-15): Electronic Monitoring Devices; Courts; Department of Corrections; Sentencing; Crimes and Penalties; Electronic Devices

This bill repeals F.S. 948.11(7) and moves its provisions into the newly-created F.S. 843.23. F.S. 843.23 defines "electronic monitoring device" to include any device that is used to track the location of a person. F.S. 843.23 makes it a third-degree felony for a person to intentionally and without authority remove, destroy, alter, tamper with, damage, or circumvent the operation of an electronic monitoring device that must be worn or used by that person or another person pursuant to a court order or an order by the Florida Commission on Offender Review, or to request, authorize, or solicit another person to do the same acts. This bill also amends F.S. 948.11(1), by clarifying that the Department of Corrections may electronically monitor an offender sentenced to community control only when the court has imposed electronic monitoring as a condition of the community control. **Effective Date: October 1, 2016**

<http://www.flsenate.gov/Session/Bill/2016/0075/BillText/er/PDF>

House Bill 91 (Ch. 2016-16): Severe Injuries Caused by Dogs; Law Enforcement Dogs; Law Enforcement Officers; Sentencing; Crimes and Penalties; Animals

This bill concerns incidents involving dogs that may be considered dangerous. This bill amends F.S. 767.12 by eliminating the mandatory quarantine, confiscation, and destruction of a previously unclassified dog that caused severe injury to a human. The bill provides that a dog classified as a "dangerous dog" as a result of causing severe injury to a human may be destroyed by an animal control authority in an expeditious and humane manner, but only after considering the nature and circumstances of the injury and the likelihood of a future threat by the dog. The bill grants dog owners the right to appeal a decision rendered by a local animal control authority on any dog causing severe injury, whether or not the dog is classified as dangerous. Jurisdiction to hear such an appeal is transferred from county to circuit court, and the number of days for the owner to file a notice of appeal is extended. A dog may not be euthanized while an appeal is pending. The bill creates F.S. 767.136, under which a dog owner having knowledge of, but recklessly disregarding a dog's dangerous propensities, commits a second-degree misdemeanor if the dog causes severe injury or death to a human. The bill exempts the dog owner from criminal penalties if the dog attacks or bites a person who is engaged in or attempting to engage in criminal activity at the time of the attack. The bill exempts law enforcement dogs from provisions of the law governing "dangerous dogs." **Effective Date: March 8, 2016**

<http://www.flsenate.gov/Session/Bill/2016/0091/BillText/er/PDF>

House Bill 93 (Ch. 2016-76): Law Enforcement Officer Body Cameras; Law Enforcement Officers; Policies; Electronic Devices

This bill creates F.S. 943.1718, which addresses law enforcement's use of body cameras. The bill defines relevant terms and requires law enforcement agencies that permit its law enforcement officers to wear body cameras to establish policies and procedures addressing the proper use, maintenance, and storage of body cameras and the data recorded. The bill further specifies what must be included in those policies and procedures, such as general guidelines for the proper use, maintenance, and storage of body cameras and the data recorded. The bill requires such agencies to conduct training on those policies and procedures, retain audio and video data recorded by body cameras, and perform periodic review of body camera practices. The bill also specifies that chapter 934, F.S. (interception of communications), does not apply to body camera recordings made by law enforcement agencies that elect to use body cameras.

Effective Date: March 24, 2016

<http://www.flsenate.gov/Session/Bill/2016/0093/BillText/er/PDF>

Senate Bill 126 (Ch. 2016-154): Public Records and Public Meetings/Public-Private Partnerships; Public Records; State Agencies; Unsolicited Proposals; Public Facilities; Infrastructure

This bill creates an exemption from public record and public meeting requirements governing unsolicited proposals for particular public/private partnerships with respect to public facility and infrastructure projects. Such records are exempt from disclosure until the receiving entity provides notice of its intended decision on the project. If the receiving entity rejects all proposals, then those proposals may remain exempt until the receiving entity provides notice of a decision in a reissued solicitation for a project, but in any event not longer than 90 days after the entity initially rejects all proposals. If the receiving agency does not issue a competitive solicitation, the unsolicited proposal remains exempt for not more than 180 days.

The bill also creates an exemption for public meetings wherein exempt unsolicited proposals are discussed. The bill requires that a record be made of the closed meeting, with nothing off the record; however, the record of the meeting is exempt until the underlying exemption ends.

Effective Date: July 1, 2016

<http://www.flsenate.gov/Session/Bill/2016/0126/BillText/er/PDF>

Senate Bill 130 (Ch. 2016-12): Discharging a Firearm; Firearms/Weapons; Sentencing; Crimes and Penalties

This bill amends F.S. 790.15 to make it a first-degree misdemeanor to recreationally discharge a firearm outdoors, including target shooting, in an area that the person knows or reasonably should know is primarily residential in nature and that has a residential density of one or more dwelling units per acre. This bill provides exemptions for the lawful defense of life or property, or the performance of official duties that require the discharge of a firearm. Additionally, the penalties do not apply if, under the circumstances, the discharge does not pose a reasonably foreseeable risk to life, safety, or property, or the firearm was accidentally discharged.

Effective Date: February 24, 2016

<https://www.flsenate.gov/Session/Bill/2016/0130/BillText/er/PDF>

House Bill 131 (Ch. 2016-18): Unattended Persons and Animals in Motor Vehicles; Civil Liability; Animals; Vehicles

This bill creates F.S. 768.139, and provides immunity from civil liability under certain circumstances for damage to a motor vehicle related to the removal of a vulnerable person or domestic animal. The bill defines "vulnerable person" and "domestic animal" and provides the circumstances under which one may seek relief from liability under this provision.

Effective Date: March 8, 2016

<http://www.flsenate.gov/Session/Bill/2016/0131/BillText/er/PDF>

Senate Bill 158 (Ch. 2016-4): Identification Cards and Driver Licenses; Vessels; Wildlife/Fishing; Department of Highway Safety and Motor Vehicles; Fish and Wildlife Conservation Commission; State Agencies

This bill amends F.S. 322.051 and F.S. 322.14 to require DHSMV to place a symbol on a driver's license or identification card to signify that the person holds a valid lifetime freshwater fishing license, lifetime saltwater fishing license, lifetime hunting license, lifetime sportsman's license or a lifetime boater safety identification card. The bill also amends F.S. 327.395 and F.S. 379.354 to allow holders of such recreational licenses or boater safety identification cards to carry and present a driver's license or identification card bearing the symbol as proof of the recreational license or boater safety identification card. **Effective Date: July 1, 2016**

<http://www.flsenate.gov/Session/Bill/2016/0158/BillText/er/PDF>

Senate Bill 180 (Ch. 2016-5): Trade Secrets; Theft; Embezzlement; Financial Information

This bill substantially amends F.S. 812.081, governing the theft, embezzlement, or unlawful copying of trade secrets. F.S. 812.081(1)(c) is amended to include financial information among the possible forms of information within the definition of "trade secret" as used in this section. Financial information must still meet the preexisting requirements set forth in this section before it is to be considered a trade secret as defined by this section.

Effective Date: October 1, 2016

<http://www.flsenate.gov/Session/Bill/2016/0180/BillText/er/PDF>

Senate Bill 218 (Ch. 2016-185): Offenses Involving Electronic Benefit Transfer Cards; Crimes and Penalties

This bill amends F.S. 414.39, regarding the fraudulent use of an Electronic Benefits Transfer (EBT) card. The bill provides a particular definition for "trafficking" in EBT cards. The bill also provides that a person who is in possession of two or more EBT cards and tries to sell one commits a first-degree misdemeanor, while a second or subsequent offense is a third-degree felony. **Effective Date: October 1, 2016**

<http://flsenate.gov/Session/Bill/2016/0218/BillText/er/PDF>

Senate Bill 228 (Ch. 2016-7): Mandatory Minimum Sentences; Crimes and Penalties; Aggravated Assault; Firearms/Weapons

This bill amends F.S. 775.087 by deleting aggravated assault from the list of convictions that carry a minimum term of imprisonment under the "10-20-Life" provision of this chapter for offenses committed while in possession of a firearm or destructive device. A person convicted of aggravated assault will no longer qualify for the "10-20-Life" minimum mandatory sentence provisions. **Effective Date: July 1, 2016**

<http://www.flsenate.gov/Session/Bill/2016/0228/BillText/er/PDF>

House Bill 229 (Ch. 2016-119): Bullying and Harassment Policies in Schools; Schools; Law Enforcement Agencies; Policies; Taylor's Law; Dating Violence

This bill amends F.S. 1006.147, requiring a school district's policy on prohibiting bullying and harassment to be implemented by each school principal and reviewed at least every 3 years. The school district shall involve local law enforcement agencies, among others, in the process of adopting and reviewing the policy. The bill also requires the policy to include a procedure for receiving reports of alleged acts of bullying or harassment, a list of bullying prevention and intervention programs authorized by the school district, and to provide notification to all local agencies where criminal charges may be pursued against the perpetrator.

The bill provides that F.S. 1006.148, relating to school district policies on dating violence and abuse, may be cited as "Taylor's Law for Teen Dating Violence Awareness and Prevention." **Effective Date: July 1, 2016**

<https://www.flsenate.gov/Session/Bill/2016/0229/BillText/er/PDF>

Senate Bill 230 (Ch. 2016-186): Missing Persons with Special Needs; Counties; Law Enforcement Officers; Pilot Projects; "Project Leo"; Search and Rescue; Sheriffs; Law Enforcement Agencies; Persons with Disabilities

This bill creates F.S. 937.041, which addresses the personal safety of persons with special needs who wander and are reported "missing." This bill authorizes pilot projects in Alachua, Baker, Columbia, Hamilton, and Suwannee Counties, to be known as "Project Leo," which is administered by the Center for Autism and Related Disabilities at the University of Florida. Additional pilot programs are also created in Palm Beach County (administered by the Center for Autism and Related Disabilities at the Florida Atlantic University) and Hillsborough County (administered by the Center for Autism and Related Disabilities at the University of South Florida). Each pilot project is formed to provide personal devices (as described below) to aid search and rescue efforts for persons with special needs when they wander. The administering center must select participants based on criteria the center develops. The criteria must include, at a minimum, the person's risk to wander. Participation is voluntary and the service is free of charge to participants. The personal devices to aid search and rescue efforts, which are attachable to clothing or otherwise worn, must be provided by the respective center to the sheriff's offices of the participating counties. The devices are then distributed to participants by the sheriff's offices in conjunction with the respective center. **Effective Date: July 1, 2016**

<http://www.flsenate.gov/Session/Bill/2016/0230/BillText/er/PDF>

House Bill 273 (Ch. 2016-20): Public Records; Governmental Entities; Civil Actions; Contractors; Crimes and Penalties

This bill amends F.S. 119.0701, and requires each public agency contract in which the contractor is acting on behalf of the public agency entered into after July 1, 2016, to include particularly prescribed language identifying the contact information of the agency's custodian of public records. The bill also requires such contracts to include language that either requires a private contractor to retain any associated public records, or to turn those records over to the public agency. If a contractor keeps any public records, the contractor is responsible for meeting public records requirements. The bill provides that all public records requests related to a contract will be directed to the public agency; if the public agency determines that the relevant documents are in the hands of the contractor, the contractor will be required to provide the pertinent documents to the agency, or be subject to penalties under F.S. 119.10(2), which may include criminal violations under the Public Records Act. Noncompliance may also result in costs and attorneys' fees in the event that a civil action is brought and the contractor is deemed to be in noncompliance of public records requirements.

Effective Date: March 8, 2016

<http://flsenate.gov/Session/Bill/2016/0273/BillText/er/PDF>

House Bill 293 (Ch. 2016-78): Public Records/Juvenile Criminal History Records; Minors; Criminal History Records

This bill amends F.S. 985.04(1), clarifying that juvenile records obtained under Chapter 985, F.S., are confidential and exempt (rather than just confidential) except those specified under F.S. 985.04(2). The bill provides that the records of juveniles who have been found to have committed three or more misdemeanor violations are confidential and exempt, though such information may be disclosed to certain identified parties, including criminal justice agencies. The bill also authorizes a custodian of public records to choose not to post a juvenile's arrest or booking photograph on the custodian's website. The bill amends F.S. 943.053 to make the list of juvenile records deemed to be not confidential and exempt identical to the list of juvenile records deemed to be not confidential and exempt under F.S.985.04(2). The bill amends F.S. 943.053(3) to establish a separate process to disseminate juvenile criminal history information. The bill also repeals all new public records exemptions created in the bill on October 2, 2021, unless reviewed and saved from repeal by the Legislature.

Effective Date: March 24, 2016

<http://www.flsenate.gov/Session/Bill/2016/0293/BillText/er/PDF>

House Bill 307 (Ch. 2016-123): Medical Use of Cannabis; "Compassionate Use Statute of low-THC Cannabis"; Department of Health; Cannabis Delivery Device; Distribution of Cannabis; Controlled Substance

This bill amends F.S. 381.986, the "Compassionate Use Statute of Low-THC Cannabis," to include medical cannabis prescribed by a qualified physician for eligible patients. The bill defines "medical cannabis," "cannabis delivery device," and "eligible patient." The bill limits the locations in which a qualified patient may use low-THC cannabis or medical cannabis. The bill provides a penalty for violating restrictions of use by a qualified patient, and provides criminal penalties for a physician who orders medical cannabis without a reasonable belief that the patient has a terminal condition. The bill requires the physician to have treated the patient for at least three months immediately preceding the patient's registration in the compassionate-use

registry. The bill limits the amount of low-THC or medical cannabis ordered for a qualified patient to a 45-day supply. The bill requires informed consent pursuant to F.S. 499.0295. The bill requires the DOH to approve three additional dispensing organizations when 250,000 active qualified patients are registered in the compassionate-use registry. The bill allows wholesale distributions of low-THC cannabis or medical cannabis between dispensing organizations. The bill exempts qualified patients and their legal representatives, independent testing laboratories, and approved dispensing organizations, as well as their owners, managers, and employees, from criminal penalties under chapter 893, F.S. The bill authorizes a college or university that has a college of agriculture to conduct cannabis research consistent with state and federal law. Finally, the bill recognizes medical cannabis that is manufactured and sold by a dispensing organization as an investigational drug under F.S. 499.0295. **Effective Date: March 25, 2016**

<http://www.flsenate.gov/Session/Bill/2016/0307/BillText/er/PDF>

Senate Bill 380 (Ch. 2016-187): Violation of an Injunction for Protection; Sentencing; Crimes and Penalties

This bill provides enhanced criminal penalties if a person commits a third or subsequent violation of an injunction for protection against domestic violence, repeat violence, sexual violence, dating violence, or stalking and cyberstalking. The bill increases the penalty to a third-degree felony for a person who has two or more prior convictions for violations of an injunction and then commits a third or subsequent violation against the same victim.

Effective Date: October 1, 2016

<http://www.flsenate.gov/Session/Bill/2016/0380/BillText/er/PDF>

Senate Bill 386 (Ch. 2016-42): Expunction of Records of Minors; Minors; Criminal History Records; Firearms/Weapons

This bill amends F.S. 943.0515, which requires, except under certain specified conditions, all criminal history records maintained by FDLE related to minors who have not been committed to a juvenile correctional facility or juvenile prison, to be automatically expunged when the minor reaches the age of 24 years, by lowering the age at which the expunction occurs to 21. The bill authorizes a person between the ages of 18 and 21, who would be eligible for automatic expunction at age 21, to apply to FDLE for the "early" expunction of his or her juvenile criminal history record, with the approval of the state attorney for the circuit (or circuits) in which the charge(s) arose, under certain specified conditions. The bill amends F.S. 943.0582 to eliminate the requirement that an application for prearrest or post-arrest diversion expunction must be submitted within 12 months after the subject completes the diversion program. The bill amends F.S. 790.23 to allow an individual whose juvenile criminal history record has been expunged pursuant to F.S. 943.0515, as amended, to possess firearms.

Effective Date: July 1, 2016

<http://www.flsenate.gov/Session/Bill/2016/0386/BillText/er/PDF>

House Bill 387 (Ch. 2016-81): Offenses Evidencing Prejudice; Persons with Disabilities; Mental Illness; Hate Crimes; Crimes and Penalties; Sentencing

This bill creates F.S. 775.0863 to provide for a separate hate crime statute and upward offense reclassification for crimes that evidence prejudice based on a mental or physical disability of the victim. Such a disability is defined as a condition of mental or physical incapacitation due to a

developmental disability, organic brain damage, or mental illness, and one or more mental or physical limitations that restrict a person's ability to perform the normal activities of daily living. Under the new law, reclassification requires evidence that the perpetrator perceived, knew, or had reasonable grounds to know or perceive, that the victim had a mental or physical disability.

Effective Date: October 1, 2016

<http://www.flsenate.gov/Session/Bill/2016/0387/BillText/er/PDF>

House Bill 423 (Ch. 2016-224): Access to Health Care Services; Nurse Practitioners; Physicians Assistants; Health Care Practitioners; The Barbara Lumpkin Prescribing Act; Controlled Substances

This bill provides express authority, effective January 1, 2017, for an advanced registered nurse practitioner to prescribe, order, and administer controlled substances when under the authorized of a supervisory physician. Through processes created by the bill, certain controlled substances would still be prohibited from being prescribed by a nurse practitioner. The Board of Nursing, in consultation with the Board of Medicine, the Board of Osteopathic Medicine, and the Board of Dentistry, where necessary, will approve the list of controlled substances that may not be prescribed by a nurse practitioner.

The bill also gives physician assistants the authority to prescribe controlled substances, though with restrictions – notably, that a prescription for a Schedule II controlled substance may only last seven days, and that physician assistants may not prescribe psychiatric mental health controlled substances to minors. **Effective Date: April 14, 2016**

<http://www.flsenate.gov/Session/Bill/2016/0423/BillText/er/PDF>

Senate Bill 436 (Ch. 2016-156): Crime of Making Threats of Terror or Violence; Crimes and Penalties; Sentencing; Public Officials; False Reports

This bill amends F.S. 790.163 and F.S. 790.164, which prohibit making false reports concerning planting a bomb, explosive, or weapon of mass destruction, to also prohibit making a false report concerning use of a firearm in a violent manner. Commission of either of these offenses is a second-degree felony, punishable by up to 15 years imprisonment and a \$10,000 fine.

The bill also creates F.S. 836.12, making it a first-degree misdemeanor to threaten a law enforcement officer, state attorney or assistant state attorney, firefighter, judge, elected official, or any of their family members with death or serious bodily harm. A second or subsequent offense would be a third-degree felony. **Effective Date: October 1, 2016**

<http://www.flsenate.gov/Session/Bill/2016/0436/BillText/er/PDF>

House Bill 439 (Ch. 2016-127): Mental Health Services in the Criminal Justice System; Mental Health; Courts; Diversionary Programs; Minors; Veterans

This bill authorizes courts to use treatment-based mental health and substance abuse court programs for defendants who are involved in the criminal justice process at both the pre-adjudicatory and post-adjudicatory level in order to help defendants avoid returning to the criminal justice and forensic mental health systems.

The bill expands eligibility criteria for defendants to participate in diversionary programs to include children in dependency court and veterans who were released from military service under a general discharge. The bill also authorizes counties to fund and establish mental health court programs for children in dependency court or defendants with mental illness to provide appropriate treatment and services. The bill requires the state courts system to establish a mental health coordinator for each county mental health court program, and creates the Forensic Hospital Diversion Pilot Program to divert defendants found mentally incompetent to proceed to trial or not guilty by reason of insanity into a residential bed and community treatment setting. **Effective Date: July 1, 2016**

<http://www.flsenate.gov/Session/Bill/2016/0439/BillText/er/PDF>

Senate Bill 450 (Ch. 2016-70): Physical Therapy; Medical; Crimes and Penalties; False Representations

This bill revises the definition of the term "practice of physical therapy," provides that a licensed physical therapist who holds a specified doctoral degree may use specified abbreviations for professional attainment ("letters") in connection with her or his name or place of business, revises the terms and specified letters prohibited from being used by certain unlicensed persons, and makes it a first-degree misdemeanor to falsely represent licensure or to obtain a license by false representation. **Effective Date: March 23, 2016**

<https://www.flsenate.gov/Session/Bill/2016/0450/BillText/er/PDF>

Senate Bill 498 (Ch. 2016-188): Repeal of a Prohibition on Cohabitation; Crimes and Penalties

This bill amends F.S. 798.02, to repeal the crime of cohabitation, which made it a second-degree misdemeanor for a man and woman, not being married to each other, to lewdly and lasciviously associate and cohabit together while leaving the remainder of the section, which prohibits "open and gross lewdness and lascivious behavior," intact.

Effective Date: April 6, 2016

<http://www.flsenate.gov/Session/Bill/2016/0498/BillText/er/PDF>

House Bill 535 (Ch. 2016-129): Building Codes; Counties/Municipalities; Sheriffs/Deputies/Programs; Law Enforcement Agencies; Alarm Systems

This 66-page bill includes a new section, F.S. 553.7931, which requires an owner, lessee, or occupant of a property to register an alarm system with the local governmental entity, if such entity requires registration of alarm systems. A local governmental entity, for purposes of alarm system registration, may include a local law enforcement agency.

Effective Date: July 1, 2016

<http://www.flsenate.gov/Session/Bill/2016/0535/BillText/er/PDF>

House Bill 545 (Ch. 2016-24): Human Trafficking; Minors; Prostitution; Sexual Offenders/Sexual Predators; Felony Murder; Racketeering; Crimes and Penalties; Sentencing

This bill amends and broadens the definition of "sexual abuse of a child" in F.S. 39.01 for purposes of finding a child to be dependent. The revision eliminates language that previously excluded children if they were under arrest or being prosecuted in a delinquency or criminal proceeding for a prostitution violation. The bill also revises F.S. 782.04 to add human trafficking to the list of enumerated offenses under the felony murder provision. The bill amends F.S. 787.06 to provide for upward offense reclassification for the offense of permanently branding human trafficking victims if the victim suffered great bodily harm, permanent disability, or permanent disfigurement. The bill narrows the criminal offense of offering to commit prostitution or committing prostitution under F.S. 796.07(2)(e), to only apply to persons 18 years of age or older. The bill also amends F.S. 775.21, F.S. 943.0435, F.S. 944.606, and F.S. 944.607 to add racketeering under F.S. 895.03 to the qualifying offenses for a sexual predator or sexual offender, if the court makes written findings that the racketeering activity involved at least one sexual offense included in the predicate offenses for sexual predator or sexual offender designation. **Effective Date: October 1, 2016**

<http://www.flsenate.gov/Session/Bill/2016/0545/BillText/er/PDF>

House Bill 549 (Ch. 2016-84): Offenses Concerning Racketeering and Illegal Debts; RICO; Civil Actions; Forfeitures; Civil Actions; Department of Legal Affairs; Investigative Subpoenas; State Agencies

This bill amends civil enforcement provisions of the Florida Racketeer Influenced and Corrupt Organization (RICO) Act. The bill authorizes an investigative agency to institute a RICO civil proceeding for forfeiture in the circuit court for the judicial circuit in which the real or personal tangible property is located or in any circuit court in the state for intangible property. The bill also authorizes an agency to pursue an action to recover fair market value of unavailable property regardless of when the property is conveyed, alienated, disposed of, diminished in value, or otherwise rendered unavailable for forfeiture. The bill authorizes a court to order the forfeiture of any other property of a defendant up to the value of the property subject to forfeiture. The bill further authorizes the Department of Legal Affairs to bring an action for a RICO Act violation to obtain injunctive relief, civil penalties, attorney fees, and costs incurred in the investigation and prosecution of any action under the RICO Act. The bill also authorizes a party to petition the court for entry of a consent decree or for approval of a settlement agreement. The bill further provides that an investigative subpoena issued pursuant to the RICO Act is confidential for 120 days after the date of issuance, unless extended by the court upon a showing of good cause by the investigating agency. The bill also provides that the list of claims for which a court directs distribution of forfeiture funds includes claims for restitution by RICO victims, and that where the forfeiture action was brought by the Department of Legal Affairs, the restitution is distributed through the Legal Affairs Trust Fund (otherwise, the restitution is distributed by the clerk of the circuit court). **Effective Date: July 1, 2016**

<http://www.flsenate.gov/Session/Bill/2016/0549/BillText/er/PDF>

Senate Bill 592 (Ch. 2016-159): Public Records/Department of Financial Services/Emergency Medical Technicians or Paramedics; Public Records; Department of Financial Services; State Agencies; Agency Personnel; Emergency Medical Technicians or Paramedics

This bill amends F.S. 119.071 by creating a public records exemption for the home addresses, telephone numbers, dates of birth, and photographs of certain current and former non-sworn investigative personnel of the Department of Financial Services, as well as the same information of their spouses and/or children, including the spouse's place of employment and the children's school of attendance. The bill also exempts the home address, telephone number, date of birth, and photograph of a current or former emergency medical technician or paramedic. Finally, the bill exempts the same information of an emergency medical technician or paramedic's spouse and/or children, and also exempts a spouse's place of employment and the names of any schools attended by their children. **Effective Date: March 30, 2016**

<http://flsenate.gov/Session/Bill/2016/0592/BillText/er/PDF>

Senate Bill 624 (Ch. 2016-114): Public Records/State Agency Information Technology Security Programs; Public Records; State Agencies; Information Technology Security; Risk Assessments; Audits; Agency for State Technology

This bill amends F.S. 282.318 to provide a public records exemption related to information technology security incidents. In the amendment, information related to information technology incidents and breaches is confidential and exempt from disclosure if the information could facilitate any unauthorized access, modification, disclosure, or destruction of information or information technology resources. The bill also provides that any portions of risk assessments, external audits, evaluations, and other state agency reports about information technology systems will be confidential and exempt if disclosure could prompt future unauthorized modifications, disclosures, or destruction of information or information technology resources.

Effective Date: March 25, 2016

<http://flsenate.gov/Session/Bill/2016/0624/BillText/er/PDF>

Senate Bill 636 (Ch. 2016-72): Evidence Collected in Sexual Offense Investigations; Sexual Assault Kits; Evidence; Investigations; Law Enforcement Agencies

This bill creates F.S. 943.326, providing for the testing of sexual assault kits and other DNA evidence in sexual offense investigations. The bill requires that a sexual assault kit be sent to a criminal analysis laboratory for forensic testing within 30 days after the evidence is received by a law enforcement agency if a report of a sexual offense is made to the agency, or within thirty days from the time that the victim or representative request that the evidence be tested. The bill requires that submitted sexual assault kits be tested within 120 days after submission to a laboratory. The bill also provides for certain information and notice of rights to be conveyed to a victim regarding the testing of the kits. Finally, the bill provides for certain standards to be adopted by all laboratories in the statewide criminal analysis laboratory system, including FDLE crime laboratories.

Effective Date: July 1, 2016

<http://flsenate.gov/Session/Bill/2016/0636/BillText/er/PDF>

House Bill 739 (Ch. 2016-59): Secondhand Dealers; Counties/Municipalities; Sheriffs/Deputies/Programs; Law Enforcement Agencies; Electronic Devices

This bill amends F.S. 538.03 regarding secondhand dealers to include secondhand goods purchased using an automated kiosk. The bill also amends the list of required information for the secondhand dealers transaction form, as set out in F.S. 538.04. The revision adds the requirement that digital photographs, clearly showing the objects involved in the transaction, are to be submitted with the form. The serial numbers that must be included on the secondhand dealers transaction form may now include other specified unique identifying numbers on electronics devices. When a unique identifying number is not available at the time of receipt or purchase of the goods, the secondhand dealer may assign a temporary unique identifying number. If the dealer later finds that the item was misappropriated or stolen, the dealer must notify law enforcement. The bill amends F.S. 538.06 to extend the dealer's statutory holding period from 15 days to 30 days for a precious metal, gemstone, an item of jewelry, an antique, or an item of art. Objects purchased through an automated kiosk must also be held 30 days before a secondhand dealer may sell, barter, exchange, alter, adulterate, use, or in any way dispose of them. **Effective Date: July 1, 2016**

<http://www.flsenate.gov/Session/Bill/2016/0739/BillText/er/PDF>

Senate Bill 752 (Ch. 2016-164): Public Records/Agency Inspector General Personnel; Public Records; State Agencies; Inspectors General

This bill amends F.S. 119.071 to include a public records exemption for current or former personnel employed in an agency's office of inspector general or internal audit department whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation, or other activities that could lead to criminal prosecution or administrative discipline. The bill provides for the types of information that are exempt for such current or former personnel, as well as their spouses and/or children. **Effective Date: March 30, 2016**

<http://flsenate.gov/Session/Bill/2016/0752/BillText/er/PDF>

Senate Bill 754 (Ch. 2016-161): Public Records/Department of Agriculture and Consumer Services; Criminal or Civil Intelligence or Investigative Information; Public Records; Department of Agriculture and Consumer Services; State Agencies

The bill creates F.S. 570.077 to provide that criminal intelligence information or criminal investigative information, held by the Department of Agriculture and Consumer Services as the result of a joint or multi-agency effort with another state or federal regulatory, administrative, or criminal justice agency, will be confidential and exempt from release. Such information will only be confidential and exempt if the information is already confidential or exempt under the laws of the joint agency. The bill also specifies the conditions under which the Department of Agriculture and Consumer Services may release such information. The bill does not extend to information held solely by the Department. **Effective Date: July 1, 2016**

<http://flsenate.gov/Session/Bill/2016/0754/BillText/er/PDF>

House Bill 769 (Ch. 2016-135): Mental Health Treatment; Mental Health; Competency; Criminal Justice; Dismissal of Charges; Courts; Hearings; Involuntary Commitment

This bill amends several sections of Section 916, Florida Statutes, which pertains to mentally deficient and mentally ill defendants. Among the amendments relevant to law enforcement, F.S. 916.13(2)(b), which governs criminal defendants who are found to be incompetent to proceed, is amended to provide that a competency hearing shall be held within 30 days after the court receives notification that a defendant (having previously been found incompetent to proceed) is competent to proceed or no longer meets criteria for continued commitment. The bill adds that the defendant must be physically transported to the committing court's jurisdiction for the hearing. F.S. 916.145, concerning the dismissal of charges against a defendant adjudicated incompetent to proceed due to mental illness, is amended to revise the time for dismissal of charges under certain circumstances for defendants who remain incompetent to proceed to trial. The bill also addresses the situation in which a court opts not to dismiss charges relating to a defendant who has already been adjudged incompetent to proceed due to mental illness for a period of five years. In that circumstance, a judge must specify the reasons for believing that a defendant will return to competency, as well as the time when this is expected to happen. The bill adds restrictions to a court's ability to dismiss criminal charges pertaining to such a defendant after such a judicial finding has been made. The court may dismiss charges 3 years after such a determination was made; however cases which involve certain specified serious charges and criminal histories may not be dismissed in this particular posture. For any case in the aforementioned particular posture, the court may not dismiss a charge against a defendant where an identifiable victim has not consented to the dismissal. Finally, F.S. 915.15, governing the involuntary commitment of defendants adjudicated not guilty by reason of insanity, is amended to add subsection (5), which provides that a commitment hearing must be held within 30 days after a court receives notification that a defendant no longer meets criteria for continued commitment, and that the defendant must be transported to the committing court's jurisdiction for the hearing. **Effective Date: July 1, 2016**

<http://www.flsenate.gov/Session/Bill/2016/0769/BillText/er/PDF>

House Bill 821 (Ch. 2016-228): Reimbursement of Assessments; Agents; Attorneys; Veterans; Crimes and Penalties; Department of Veterans Affairs; State Agencies

This bill prohibits an agent or attorney representing a claimant before the United States Department of Veterans Affairs (VA) for benefits from requesting or obtaining reimbursement from the claimant for assessments charged to the agent or attorney by the VA, under 38 USC s. 5904(6)(A), relating to payment of the fee charged by the agent or attorney for such representation. The bill provides that an agent or attorney who requests or obtains reimbursement of an assessment from the veteran claimant commits a second-degree misdemeanor. **Effective Date: October 1, 2016**

<http://www.flsenate.gov/Session/Bill/2016/0821/BillText/er/PDF>

Senate Bill 846 (Ch. 2016-171): Divers-Down Warning Devices; Diving; Crimes and Penalties; Civil Infractions; Vessels; Electronic Devices

This bill adds a new definition in F.S. 327.331 for a divers-down warning device, which includes a divers-down flag, divers-down buoy, or other similar warning device meeting the criteria set out in the bill. The bill also specifies the proper divers-down symbol to be displayed on the

warning device. The bill removes the previous requirement that a divers-down buoy must be towed by the diver. The bill provides that violations are civil infractions with the exception provided in F.S. 327.33 (reckless operation of a vessel). **Effective Date: July 1, 2016**

<http://www.flsenate.gov/Session/Bill/2016/0846/BillText/er/PDF>

Senate Bill 908 (Ch. 2016-165): Organization of the Department of Financial Services; State Agencies

This 49-page bill amends a number of statutes relating to the organization of the Department of Financial Services (DFS), including F.S. 17.04, F.S. 17.0401, and F.S. 20.121. Presently, DFS is required by statute to establish and maintain several distinct divisions, bureaus, and/or offices. The effect of this bill is to provide the Chief Financial Officer (CFO) with authority to establish any division, bureau, or office of the DFS that the CFO deems necessary to promote the effective and efficient operation of the department. Other changes include the provision that the CFO, rather than the Division of Accounting and Auditing, shall be responsible for the conduct of investigations and referral of information that shows a potential violation to appropriate enforcement agencies. This bill transfers investigation functions from the Division of Accounting and Auditing to the Division of Investigative and Forensic Services. The Division of Investigative and Forensic Services will perform the investigative functions currently performed by the Division of Insurance Fraud, the Office of Fiscal Integrity, and the Division of State Fire Marshal. Investigatory, enforcement, and rulemaking functions currently performed by the State Fire Marshall are transferred to the Division of Investigative and Forensic Services. The bill amends F.S. 627.7401 to allow DFS to give rewards under the Anti-Fraud Reward Program to persons who provide information leading to the arrest and conviction of persons who commit statutory violations currently investigated by the State Fire Marshall.

Effective Date: July 1, 2016

<http://www.flsenate.gov/Session/Bill/2016/0908/BillText/er/PDF>

Senate Bill 936 (Ch. 2016-175): Persons with Disabilities; Department of Highway Safety and Motor Vehicles; Law Enforcement Officers; Corrections Officers; Law Enforcement Agencies; Agency for Persons with Disabilities; Identification Cards; Wes Kleinert Fair Interview Act; State Agencies

The amendments in this bill provide for the clear designation and fair treatment of persons with disabilities. The bill amends F.S. 322.051 to require the Department of Highway Safety and Motor Vehicles to issue an identification card exhibiting a capital "D" at the request of an individual or his or her parent or guardian, provided that the person satisfies certain criteria as indicated in the bill.

The bill also creates F.S. 943.0439, which affirmatively requires law enforcement officers, corrections officers, and any other public safety officers to make a good faith effort to have a psychologist, psychiatrist, mental health counselor, or other related professional present at the time of interviewing an individual diagnosed with autism or an autism spectrum disorder. The bill provides that the agency will not be financially responsible for the attendance of the professional. The bill does not suppress information obtained from individuals when not in the presence of a mental health professional. The bill requires law enforcement agencies to enact policies to ensure the proper protocol is in place to meet the requirements of this bill.

Effective Date: July 1, 2016, except as otherwise provided

<http://flsenate.gov/Session/Bill/2016/0936/BillText/er/PDF>

Senate Bill 938 (Ch. 2016-176): Retail Sale of Dextromethorphan; Drugs and Narcotics; Civil Infractions; Controlled Substances

The bill regulates the sale of dextromethorphan (DXM), a synthetically-produced drug, commonly used in over-the-counter cough suppressants in the United States. The bill prohibits any manufacturer, distributor, or retailer, and their employees and representatives, from knowingly or willfully selling a finished drug product that contains DXM to an individual under the age of 18 without a valid prescription. The bill requires individuals presumed to be less than 25 years of age to provide proof of age prior to purchasing a finished drug product that contains any quantity of DXM. The bill also sets forth procedures for local law enforcement officers to enforce the law. An individual who possesses or receives a finished product containing any quantity of DXM in violation of the bill, with the intent to distribute, is subject to a civil citation and a fine of up to \$100 for each violation. An employee or representative who sells a finished drug product containing DXM in violation of the act is subject to a written warning. A manufacturer, distributor, or retailer found to be in violation of the act may be subject to a civil citation and a fine of up to \$100 per violation. However, a citation issued to a manufacturer, distributor, or retailer may be avoided upon the showing of a "good faith effort" to comply with the bill's requirements. The bill provides a process for disputing a citation. The bill preempts local regulation of DXM. **Effective Date: January 1, 2017**

<http://www.flsenate.gov/Session/Bill/2016/0938/BillText/er/PDF>

Senate Bill 964 (Ch. 2016-177): Prescription Drug Monitoring Program; Rehabilitative Hospitals; Assisted Living Facilities; Controlled Substances

The bill exempts a rehabilitative hospital, assisted living facility, or nursing home that dispenses a dosage of a controlled substance to a patient from reporting that act of dispensing to the prescription drug monitoring program (PDMP). The designee of a pharmacy, prescriber, or dispenser is allowed access to information in the PDMP database that relates to a patient of the pharmacy, prescriber, or dispenser for the purpose of reviewing the patient's controlled substance prescription history. The bill also authorizes impaired practitioner consultants to request access to the PDMP information relating to impaired practitioner program participants, or to a person who is referred to the program. The impaired practitioner program participant, or a person referred to the program, must have agreed to be evaluated or monitored through the program, and separately agreed in writing to the consultant accessing the information in the PDMP. **Effective Date: July 1, 2016**

<http://www.flsenate.gov/Session/Bill/2016/0964/BillText/er/PDF>

House Bill 977 (Ch. 2016-231): Behavioral Health Workforce; Physicians; Pain Management Clinics; Controlled Substances

This bill amends both F.S. 458.3265 and F.S. 459.0137 to specify that only physicians licensed under Chapters 458 and 459 of Florida Statutes may dispense medication or prescribe controlled substances regulated under Chapter 893, Florida Statutes, on the premises of a registered pain-management clinic. **Effective Date: April 14, 2016**

<http://www.flsenate.gov/Session/Bill/2016/0977/BillText/er/PDF>

Senate Bill 1004 (Ch. 2016-178): Public Records/Security System Plans; Law Enforcement Agencies; Governmental Entities; Federal Government

This bill provides additional circumstances in which information that is confidential and exempt as part of a security system plan as defined in F.S. 119.071 may be disclosed. Under the current law, a security system plan may be disclosed in furtherance of an agency's official duties. The bill also provides that an agency may disclose such information to another federal, state, or local agency in furtherance of the other agency's duties, as well as to a court of competent jurisdiction upon a showing of good cause. *Effective Date: April 1, 2016*

<http://flsenate.gov/Session/Bill/2016/1004/BillText/er/PDF>

House Bill 1025 (Ch. 2016-95): Public Records/Utility Security Information; Public Records; Utility Security Information

This bill amends F.S. 119.011, defining a utility as a person or entity that provides electricity, natural gas, telecommunications, water, chilled water, reuse water, or wastewater. The bill also amends F.S. 119.0713 in exempting certain information from a public records request, including information related to the security of technology, processes, or practices of a utility, the disclosure of which could be harmful. *Effective Date: March 24, 2016*

<http://flsenate.gov/Session/Bill/2016/1025/BillText/er/PDF>

House Bill 1033 (Ch. 2016-138): Information Technology Security; Agency for State Technology; State Agencies; Information Security Managers; Security Incidents

This bill requires the Agency for State Technology (AST) to publish guidelines for an information technology (IT) security framework to be used by state agencies when responding to security incidents and sets out reporting requirements. The bill also requires state agencies to conduct IT security awareness training and to report IT security incidents to AST. The bill requires that an agency's comprehensive risk assessment include an analysis of threats to print functions and mobile devices. Finally, the bill details the information that must be reported to individuals whose personal information has been disclosed as a result of an IT security breach.

Effective Date: July 1, 2016

<http://flsenate.gov/Session/Bill/2016/1033/BillText/er/PDF>

Senate Bill 1044 (Ch. 2016-179): Contraband Forfeiture; Contraband; Seizures and Forfeitures; Florida Contraband Forfeiture Act; Attorney's Fees; Law Enforcement Agencies; Forfeitures

This bill amends the Florida Contraband Forfeiture Act to specify that a seizure may occur only if the property owner is arrested for a criminal offense that forms the basis for determining that the property is a contraband article under F.S. 932.701, or in one of several other enumerated circumstances. If after a diligent effort by the seizing agency, the owner of the seized property cannot be found in 90 days, the property may be deemed a contraband article and forfeited subject to the act. The bill also sets out procedures for judicial review of seizures and specifies when a seizing agency must apply for a probable cause determination, as well as the findings a court must make regarding probable cause. The bill further provides that any forfeiture hold or lien on seized property must be released within 5 days if the court finds that the new

requirements for seizing property were not met or that no probable cause existed for seizing the property. The bill will require proof beyond a reasonable doubt that the contraband article was being used in violation of the act. The bill also provides that the seizing agency is responsible for any damage to the property and any storage fees or maintenance costs, unless the parties expressly agree otherwise in writing. The bill increases the reasonable attorney's fees and costs a claimant can receive if the court makes a finding of no probable cause after an adversarial preliminary hearing. It provides that a \$1,500 bond is payable to the claimant if the claimant prevails at the close of the forfeiture proceedings and any appeal, unless the parties expressly agree otherwise in writing. The bill states that the head of the law enforcement agency which seized the property must approve all settlement agreements concerning the seized property. The bill increases the minimum percentage of forfeiture proceeds that law enforcement agencies receiving over \$15,000 annually in forfeiture funds must donate to certain enumerated programs. The bill further requires that 70 percent of net proceeds from seizures of motor vehicles driven by specified DUI offenders first be applied to payment of court costs, fines, and fees, with the remainder deposited in the General Revenue Fund for use by regional workforce boards in providing transportation services for participants in the welfare transition program. The bill also establishes reporting requirements for law enforcement agencies seizing property under the act; and provides penalties for noncompliance with the reporting requirements, to be enforced by the Department of Financial Services.

Effective Date: July 1, 2016

<http://www.flsenate.gov/Session/Bill/2016/1044/BillText/er/PDF>

Senate Bill 1046 (Ch. 2016-115): Farm Vehicles; Identification Cards and Driver Licenses; Department of Highway Safety and Motor Vehicles; Law Enforcement Agencies; Counties/Municipalities; Sheriffs/Deputies/Programs; State Agencies

This bill amends F.S. 316.003 to add a definition of "covered farm vehicle." A covered farm vehicle may be either a straight truck (all axles attached to a single frame) or an articulated vehicle (two or more separate frames connected by a coupling). It must be registered with a license plate, or other designation, which allows law enforcement to identify it as a farm vehicle, be operated by the owner or operator of a farm or ranch, an employee or a family member, and be used to transport agricultural commodities, livestock, machinery, or supplies to or from a farm or ranch. A covered farm vehicle may not be used in for-hire motor carrier operations. The bill amends F.S. 316.302 and F.S. 322.53 to generally exempt covered farm vehicles from the statutory requirements for the operation of a commercial motor vehicle and exempt drivers from the requirement of having a commercial driver license.

Effective Date: July 1, 2016

<http://www.flsenate.gov/Session/Bill/2016/1046/BillText/er/PDF>

House Bill 1051 (Ch. 2016-96): Anchoring Limitation Areas; State Waterways; Vessels; Law Enforcement Agencies; Law Enforcement Officers; Fish and Wildlife Conservation Commission; Civil Infractions; State Agencies

The bill designates certain densely populated urban areas, which have narrow state waterways, residential docking facilities, and significant recreational boating traffic as anchoring limitation areas. The bill prohibits the anchoring of a vessel at any time during the period between one-half hour after sunset and one-half hour before sunrise in an anchoring limitation area. The bill authorizes vessels under certain circumstances to anchor overnight in anchoring limitation

areas. The bill authorizes a law enforcement officer or agency to remove a vessel from an anchoring limitation area and impound the vessel for up to 48 hours, or cause such removal and impoundment under certain circumstances. The bill provides an expiration of the anchoring limitation area designations upon the Legislature's adoption of the Fish and Wildlife Conservation Commission's recommendations. The bill provides for noncriminal infraction penalties for unlawfully anchoring in an anchoring limitation area.

Effective Date: July 1, 2016

<http://www.flsenate.gov/Session/Bill/2016/1051/BillText/er/PDF>

House Bill 1075 (Ch. 2016-233): State Areas; Fish and Wildlife Conservation Commission; Law Enforcement Agencies; Law Enforcement Officers; Crimes and Penalties; State Agencies

This 145-page bill includes a new statute, F.S. 327.45, authorizing the Fish and Wildlife Conservation Commission to adopt rules establishing springs protection zones and to post regulatory markers restricting the speed and operation of vessels to protect and prevent harm to Florida's springs. The bill exempts law enforcement, firefighting, or rescue personnel operating a vessel in the course of performing official duties or other persons operating a vessel in an emergency situation. A violation is a noncriminal infraction, requiring payment of a fine and completion of an approved boating safety course. **Effective Date: July 1, 2016**

<http://www.flsenate.gov/Session/Bill/2016/1075/BillText/er/PDF>

House Bill 1149 (Ch. 2016-100): Alternative Sanctioning; Courts; Judges; State Attorneys; Department of Corrections; Probation Officer; Courts; Sentencing

This bill amends F.S. 948.06 to allow the chief judge of each judicial circuit, in consultation with the state attorney, public defender, and Department of Corrections, to establish an alternative sanctioning program and determine which technical violations will be eligible for alternative sanctioning. "Technical violation" is defined as any alleged violation of supervision that is not a new felony, misdemeanor, or criminal traffic offense. An eligible offender who commits a technical violation may choose to participate in the program and admit to the violation, comply with a probation officer's recommended sanctions and waive his or her right to a hearing on the violation. A probation officer's recommended alternative sanction must be reviewed by the court, which may approve the alternative sanction or remove the offender from the program. An offender's participation in the program is voluntary, and he or she may elect to waive or discontinue participation in the program at any time before the issuance of a court order imposing the recommended sanction. If an offender waives or discontinues participation in the program, the offender's prior admission to the technical violation may not be used as evidence in any subsequent proceedings. **Effective Date: July 1, 2016**

<https://www.flsenate.gov/Session/Bill/2016/1149/BillText/er/PDF>

House Bill 1219 (Ch. 2016-102): Veterans' Employment; State Agencies; Veterans; Department of Management Services

This bill requires each state agency and authorizes each political subdivision of the state to develop and implement a written veterans' recruitment plan that establishes annual goals for ensuring the full use of veterans in the agency or political subdivision's workforce. The bill applies to veterans and their family members who are entitled to veterans' preference in

appointment and retention in public employment pursuant to F.S. 295.07(1). The bill provides for the Department of Management Services (DMS) to annually collect and publish on its website a statistical data workforce report for each state agency.

Effective Date: October 1, 2016

<http://www.flsenate.gov/Session/Bill/2016/1219/BillText/er/PDF>

House Bill 1241 (Ch. 2016-145): Ordering of Medication; Nurse Practitioners; Physicians; Health Care Practitioners; Pharmacists; Controlled Substances

This bill provides express authority for an advanced registered nurse practitioner to order any medication for administration to a patient in a hospital, ambulatory surgical center, nursing home, or mobile surgical facility. The bill also provides express authority for a supervisory physician to authorize a physician assistant or an advanced registered nurse practitioner to order controlled substances for administration to a patient in a hospital, ambulatory surgical center, nursing home, or mobile surgical facility.

The bill authorizes a health care practitioner to prescribe and dispense, or a pharmacist to dispense, an emergency opioid antagonist pursuant to a non-patient specific standing order for an autoinjection delivery system or intranasal application delivery system.

Effective Date: July 1, 2016

<http://www.flsenate.gov/Session/Bill/2016/1241/BillText/er/PDF>

Senate Bill 1288 (Ch. 2016-198): Emergency Management; Division of Emergency Management; State Emergency Management Act; State Comprehensive Emergency Management Plan; Declared Emergencies; State Agencies

The bill defines the term "activate" in Chapter 252, Florida Statutes, to mean the execution and implementation of the necessary plans and activities required to mitigate, respond to, or recover from an emergency or disaster pursuant to the State Emergency Management Act and the State Comprehensive Emergency Management Plan. The definition is intended to allow the Division of Emergency Management (DEM) to provide additional clarity to the Federal Emergency Management Agency when applying for disaster assistance.

The bill also instructs DEM to implement a statewide certification system to facilitate the transport and distribution of essential items throughout the state in the event of a declared emergency. Certification by DEM will allow those certified to enter or remain in an area in which a curfew has been imposed as a result of a declared emergency for the limited purpose of facilitating the transport or distribution of essentials. The certification is applicable to both pre-emergency and post-emergency declarations and is valid for up to one year with the option to renew. **Effective Date: April 6, 2016**

<http://www.flsenate.gov/Session/Bill/2016/1288/BillText/er/PDF>

Senate Bill 1294 (Ch. 2016-199): Victim and Witness Protection; Human Trafficking; Minors; Courts; Rape Shield Law; Lewd and Lascivious Offenses

This bill increases protections for minors and victims of human trafficking. Specifically, the bill increases the eligible age of a child victim/witness to testify by video tape or by closed circuit television from under 16 years of age to under 18 years of age to protect a victim or witness

from severe emotional or mental harm due to the presence of the defendant. The bill also allows a person appointed by the court pursuant to F.S. 914.17 to make a motion to enter a protective order on behalf of the victim or witness. The bill eliminates a potential lack of chastity or willingness to consent defense to human trafficking crimes if the victim is under 18 years of age at the time of the offense, and amends the Rape Shield Law to include prosecutions for human trafficking and lewd or lascivious offenses in which the admission of certain evidence about the victim is limited. **Effective Date: July 1, 2016**

<http://www.flsenate.gov/Session/Bill/2016/1294/BillText/er/PDF>

House Bill 1333 (Ch. 2016-104): Sexual Offenders/Sexual Predators; Offender Registration Requirements; "Romeo and Juliet" Statute; Academic Institutions; Department of Juvenile Justice; Department of Corrections

This bill amends numerous provisions of the laws pertaining to registration of sexual predators and sexual offenders to more closely align Florida's registry laws with requirements of the federal Sex Offender Registration and Notification Act (Adam Walsh Act). The bill requires sexual predator/offender registration by a parent or guardian convicted of kidnapping, falsely imprisoning, or luring or enticing his or her child if the child is a minor and the offense has a sexual component. The bill clarifies that the "Romeo and Juliet" exemption, found in F.S. 943.0435, applies only to consensual acts, and removes sexual battery as a qualifying offense. The bill clarifies which court will hear a sexual offender's petition for removal from registration requirements, and deletes inoperable language regarding calculation of the registration period.

The bill further includes lewd or lascivious battery upon an elderly or disabled person as an offense that requires sexual offenders to register quarterly and for life. It also modifies reporting requirements for international travel, requires sexual predators/offenders taking online courses at Florida higher education institutions to report such information, requires institutions of higher education to be notified by the sheriff, the Department of Corrections, or the Department of Juvenile Justice of such attendance, and clarifies the obligation to obtain a driver license or identification card. **Effective Date: October 1, 2016**

<http://www.flsenate.gov/Session/Bill/2016/1333/BillText/er/PDF>

House Bill 1347 (Ch. 2016-105): Illicit Drugs; Controlled Substances; Crimes and Penalties; Sentencing; Drug Paraphernalia; Cannabinoids; Cannabis; Controlled Substances/Sale and Delivery; Minors; Racketeering; RICO

This 218 page bill amends F.S. 893.03 to add 12 new substances to the list of Schedule I Controlled Substances, and also add 6 new classifications of substances under Schedule I, including Synthetic Cannabinoids, Substituted Cathinones, Substituted Phenethylamines, N-Benzyl Phenethylamines Compounds, Substituted Tryptamines, and Substituted Phenylcyclohexylamines. The bill also provides many additions to F.S. 893.03, notably including a definition for "substantially similar," to mean "that the chemical structure of the substance compared to the structure of a controlled substance has a single difference in the structural formula that substitutes one atom or functional group for another." The definition of drug paraphernalia is also expanded to include diluents, adulterants, and substances used, intended for use, or designed for use as carrier mediums of controlled substances, as well as objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing a controlled substance.

The bill creates new criminal offenses, as by adding a second-degree misdemeanor for the possession of a Schedule V controlled substance. Also, the delivery of a controlled substance to a person under 18 – or using such a person in the sale or delivery of a controlled substance – is made a third-degree felony.

The bill also amends several provisions related to criminal penalties. Under the bill, the possession of any cannabinoid other than cannabis is a third-degree felony, regardless of amount. Finally, the bill adds crimes involving misbranded drugs to the list of crimes included in “racketeering activity” in the Florida RICO Act. **Effective Date: July 1, 2016**

<http://flsenate.gov/Session/Bill/2016/1347/BillText/er/PDF>

House Bill 1411 (Ch. 2016-150): Termination of Pregnancies; Abortion; Unborn Child; Department of Health; Crimes and Penalties

This bill amends F.S. 390.0111 and F.S. 390.012 to clarify that the failure to dispose of fetal remains from the termination of a pregnancy in accordance with statutory requirements set out in F.S. 381.0098 and Department of Health rules is a first-degree misdemeanor. The bill also amends F.S. 873.05 to make the advertising or offer to purchase, sell, donate, or transfer fetal remains, or the actual purchase, sale, donation, or transfer of fetal remains, obtained from an abortion, a third-degree felony. **Effective Date: July 1, 2016**

<http://www.flsenate.gov/Session/Bill/2016/1411/BillText/er/PDF>

Senate Bill 1412 (Ch. 2016-204): Orders of No Contact; Courts

This bill clarifies that courts have the discretion to issue an order of no contact to a person on pre-trial release. The duty of a defendant to avoid contact with a victim is contingent upon the Court issuing a “no contact” order. **Effective Date: July 1, 2016**

<http://www.flsenate.gov/Session/Bill/2016/1412/BillText/er/PDF>

Senate Bill 1432 (Ch. 2016-207): Service of Process; Process Servers; Courts

This bill authorizes additional methods of service of process if personal service of process cannot be effected. This bill allows a process server to effect substitute service of process on a person in charge of an intended recipient’s virtual office or executive office or mini-suite. The bill further provides that these substitutes for an intended recipient may include a registered agent for a corporation, an officer or director of a corporation, or the corporation itself in certain circumstances. In addition to expanding substitute service of process, this bill revises the state’s long-arm statute that defines the limits of the jurisdiction of the courts of this state. Among other limits, the current statute limits the jurisdiction of the courts of this state to enforce a penalty or fine imposed by an agency of another state. The penalty or fine may not be enforced in this state’s courts unless the other state grants the defendant a mandatory right of review of the penalty or fine. This bill further prohibits courts from enforcing agency actions or orders from other states unless the other state grants a mandatory right of review. **Effective Date: July 1, 2016**

<http://www.flsenate.gov/Session/Bill/2016/1432/BillText/er/PDF>

Senate Bill 1470 (Ch. 2016-208): Crustaceans; Wildlife Conservation; Fishing; Crimes and Penalties; Florida Fish and Wildlife Conservation Commission; State Agencies

This bill amends several sections of Florida Statutes concerning penalties relating to the regulation of stone crabs and spiny lobsters. F.S. 379.365 is amended to clarify that penalties to be imposed under this section are in addition to those penalties provided in F.S. 379.407. Regarding spiny lobster regulation, F.S. 379.3671 is amended to change the penalties relating to subsequent violations of its provisions. Notably, this bill provides that a fourth violation of this section within 48 months after any three previous violations shall result in permanent revocation of all of the violator's saltwater fishing privileges, including bringing an action against the endorsement holder's saltwater products license in accordance with F.S. 379.407. F.S. 379.407 is also amended to add that it is a major violation under this section for a recreational or commercial harvester to possess an undersized spiny lobster.

The bill further provides that for violations involving the possession of fewer than 100 undersized spiny lobsters, each undersized spiny lobster may be charged as a separate offense as provided in this section, though the total penalties assessed in such a factual scenario may not exceed four years' imprisonment and a fine of \$4,000. The bill further provides where a violation involves 100 or more undersized spiny lobsters, the violation is a third-degree felony with a mandatory civil fine of at least \$500, and the Florida Fish and Wildlife Conservation Commission shall assess the violator with an administrative penalty of up to \$2000 and may suspend the violator's license privileges under this chapter for up to 12 months. Finally, F.S. 921.0022 is amended to account for the aforementioned changes within the criminal punishment code. **Effective Date: October 1, 2016**

<http://www.flsenate.gov/Session/Bill/2016/1470/BillText/er/PDF>

Senate Bill 1604 (Ch. 2016-212): Drugs, Devices, and Cosmetics; Florida Drug and Cosmetic Act; Permits; Cannabis; Academic Institutions; Controlled Substances; Department of Business and Professional Regulation; State Agencies

The bill updates the Florida Drug and Cosmetic Act (Act) to bring it into conformity with the federal Food, Drug and Cosmetic Act (federal act). The bill replaces provisions relating to pedigree papers with federal requirements for a transaction history, transaction information, or transaction statement for the manufacturing and distribution of prescription drugs. The bill allows certain key personnel to submit an affidavit that information submitted on a previous personal statement remains unchanged; authorizes certain permits to be issued for up to four-year periods; and exempts licensed hospices from the requirement to obtain a medical oxygen retail establishment permit in order to provide medical oxygen to their patients based upon a prescription or order from an authorized practitioner. The bill establishes a nonresident prescription drug repackager permit, along with the requirement to obtain such a permit if a repackager located outside the state distributes its repackaged prescription drugs into the state. This repackager is also required to comply with provisions applicable to prescription drug manufacturers. The Department of Business and Professional Regulation must establish a virtual prescription drug manufacturer permit and a virtual out-of-state prescription drug manufacturer permit for manufacturers that do not physically manufacture and possess their prescription drugs. The bill also authorizes an academic medical research institution to conduct research on cannabidiol and Low-THC cannabis. **Effective Date: July 1, 2016**

<http://www.flsenate.gov/Session/Bill/2016/1604/BillText/er/PDF>

House Bill 4009 (Ch. 2016-106): Slungshot; Concealed Weapons; Sale or Transfer of Arms to Minors by Dealers; Firearms/Weapons; Minors; Crimes and Penalties

This bill amends three sections of Chapter 790, Florida Statutes, to remove any reference to slungshot (a striking weapon consisting of a small mass of metal or stone fixed on a flexible handle or strap). Specifically, F.S. 790.09 has been amended to remove any reference to slungshot, and now only addresses metallic knuckles, thereby legalizing the manufacture or sale of slungshot(s). F.S. 790.001(3)(a), which serves to define concealed weapons under this section, is amended to remove the word slungshot, having the effect of no longer requiring an individual to possess a concealed weapon permit in order to lawfully carry a concealed slungshot. Finally, F.S. 790.18 is amended to remove slungshot from its listing of objects for which it is illegal for a dealer in arms to sell or transfer to a minor.

Effective Date: March 24, 2016

<http://www.flsenate.gov/Session/Bill/2016/4009/BillText/er/PDF>

Senate Bill 7002 (Ch. 2016-47): OGSR/Audit Report and Certain Records/Local Government; Public Records; State and Local Agencies; Local Government; Audit Reports; Governmental Entities

This bill deals with a public records exemption for documents related to local government audits. The bill amends the definition of local government, as defined in F.S. 119.0713, to mean a county, municipality, special district, local agency, authority, consolidated city-county government, or any other local government body or public body corporate or politic authorized or created by general or special law. The bill also removes a previously established repeal date of October 2, 2016. ***Effective Date: October 1, 2016***

<http://flsenate.gov/Session/Bill/2016/7002/BillText/er/PDF>

House Bill 7013 (Ch. 2016-107): Fish and Wildlife Conservation Commission; Law Enforcement Agencies; Law Enforcement Officers; Wildlife; Fishing; Crimes and Penalties; Licenses; Infractions; State Agencies

This bill amends several penalties in Chapter 379, Florida Statutes, for violations of recreational fish and wildlife statutes and Florida Fish and Wildlife Conservation rules. The bill increases the fine for illegally taking game while trespassing from \$250 to \$500 per violation and increases the fine for repeat offenders for any noncriminal infraction within 3 years from \$100 to \$250. The bill reduces the penalty from a second-degree misdemeanor to a noncriminal infraction for violations of rules or orders relating to the filing of reports or other documents required to be filed by persons who hold alligator licenses and permits, or for violations of rules or orders requiring the return of unused CITES (Convention on the International Trade of Endangered Species) tags issued under the Statewide Alligator Harvest Program or the Statewide Nuisance Alligator Program. The bill decreases the penalty for failure to file required alligator hunting reports from a second-degree misdemeanor offense to a noncriminal infraction. The bill also increases the penalty for a person to engage in the sale, barter, or trade of tarpon from a second-degree misdemeanor to a first-degree misdemeanor. The bill makes the forging, counterfeiting, or reproduction of a recreational license, or the possession such a license, a

third-degree felony. The bill also makes the unauthorized and knowing possession of marine turtles, hatchlings, or any marine turtle parts a third-degree felony.

Effective Date: July 1, 2016

<http://www.flsenate.gov/Session/Bill/2016/7013/BillText/er/PDF>

Senate Bill 7022 (Ch. 2016-214): OGSR/Depictions or Recordings of the Killing of a Law Enforcement Officer; Public Records; Law Enforcement Officers; Law Enforcement Agencies; Crimes and Penalties

This bill amends a public records exemption found in F.S. 406.136, which previously made any recording or depiction of the killing of any person confidential and exempt from a public records request. Now, the scope of this provision has been narrowed from making confidential the depiction of the killing of any person to apply only to the killing of a law enforcement officer acting in the lawful execution of the officer's duties. The bill also eliminates the sunset provision set to repeal the provision on October 2, 2016. **Effective Date: October 1, 2016**

<http://flsenate.gov/Session/Bill/2016/7022/BillText/er/PDF>

House Bill 7025 (Ch. 2016-108): At-Risk Vessels; Vessels; Fish and Wildlife Conservation Commission; Law Enforcement Agencies; Law Enforcement Officers; Crimes and Penalties; Infractions; State Agencies

This bill creates F.S. 327.4107, to provide that a vessel that is at risk of becoming derelict may not anchor on, moor on, or occupy the waters of the state. Law enforcement officers are authorized to determine if a vessel is at risk of becoming derelict, based on factors enumerated in the new statute. The bill also makes it a noncriminal infraction for a person to anchor or moor a vessel that is at risk of becoming derelict. **Effective Date: July 1, 2016**

<http://www.flsenate.gov/Session/Bill/2016/7025/BillText/er/PDF>

House Bill 7071 (Ch. 2016-151): Public Corruption; Public Service; State and Local Employees; Government Entities; Crimes and Penalties; Sentencing

This bill amends several sections of Chapter 838, Florida Statutes, regarding public corruption. The bill expands the scope of Chapter 838 by amending the applicable definitions of public servant and public contractor, as well as creating new definitions for a governmental entity and a public contractor. These changes render more persons subject to criminal offenses such as official misconduct and unlawful compensation. The bill also expands the scope of those subject to prosecution for bid tampering to include specified contractors. Finally, the bill removes the element of "corrupt intent" from the offenses of unlawful compensation, bribery, official misconduct and bid tampering. "Corrupt intent" is replaced with "knowingly and intentionally." **Effective Date: October 1, 2016**

<http://flsenate.gov/Session/Bill/2016/7071/BillText/er/PDF>

House Bill 7101 (Ch. 2016-13): Sentencing for Capital Felonies; Courts; Public Officials; Death Penalty; Sentencing

The bill makes changes to Florida's capital sentencing scheme. Several provisions contained within the bill are intended to comply with a U.S. Supreme Court ruling, Hurst v. Florida, 136

S.Ct. 616 (2016). Specifically, the bill amends Florida's capital sentencing scheme in several ways: the prosecutor is required to provide notice to the defendant and file notice with the court when the state is seeking the death penalty and the notice must contain a list of the aggravating factors the state intends to prove; the jury is required to identify each aggravating factor found to exist by a unanimous vote in order for a defendant to be eligible for a sentence of death; the jury is required to determine whether the aggravating factors outweigh the mitigating circumstances in reaching its sentencing recommendation; if at least ten of the twelve members of the jury determine that the defendant should be sentenced to death, the jury's recommendation is a sentence of death; the jury is required to recommend a sentence of life imprisonment without the possibility of parole if fewer than ten jurors determined that the defendant should be sentenced to death; the judge is permitted to impose a sentence of life imprisonment without the possibility of parole when the jury unanimously recommends a sentence of death; and the judge is no longer permitted to "override" the jury's recommendation of a sentence of life imprisonment by imposing a sentence of death.

Effective Date: March 7, 2016

<http://www.flsenate.gov/Session/Bill/2016/7101/BillText/er/PDF>

**Bills of Interest to Florida Law Enforcement Passed in the 2016 Legislative Session
Arranged by Effective Date**

<u>Effective Date</u>	<u>Chapter Number</u>	<u>Bill Number</u>	<u>Subject</u>
February 24, 2016	2016-12	SB 130	Discharging a Firearm
March 7, 2016	2016-13	HB 7101	Sentencing for Capital Felonies
March 8, 2016	2016-16	HB 91	Severe Injuries Caused by Dogs
March 8, 2016	2016-18	HB 131	Unattended Persons and Animals in Motor Vehicles
March 8, 2016	2016-20	HB 273	Public Records
March 23, 2016	2016-70	SB 450	Physical Therapy
March 24, 2016	2016-76	HB 93	Law Enforcement Officer Body Cameras
March 24, 2016	2016-78	HB 293	Public Records/Juvenile Criminal History Records
March 24, 2016	2016-95	HB 1025	Public Records/Utility Security Information
March 24, 2016	2016-106	HB 4009	Slungshot
March 25, 2016	2016-123	HB 307	Medical Use of Cannabis
March 25, 2016	2016-114	SB 624	Public Records/State Agency Information Technology Security Programs
March 30, 2016	2016-159	SB 592	Public Records/Department of Financial Services/Emergency Medical Technicians or Paramedics
March 30, 2016	2016-164	SB 752	Public Records/Agency Inspector General Personnel
April 1, 2016	2016-178	SB 1004	Public Records/Security System Plans
April 6, 2016	2016-188	SB 498	Repeal of a Prohibition on Cohabitation
April 6, 2016	2016-198	SB 1288	Emergency Management
April 14, 2016	2016-231	HB 977	Behavioral Health Workforce
July 1, 2016	2016-154	SB 126	Public Records and Public Meetings/Public-Private Partnerships
July 1, 2016	2016-4	SB 158	Identification Cards and Drivers Licenses
July 1, 2016	2016-7	SB 228	Mandatory Minimum Sentences
July 1, 2016	2016-119	HB 229	Bullying and Harassment Policies in Schools
July 1, 2016	2016-186	SB 230	Missing Persons with Special Needs
July 1, 2016	2016-42	SB 386	Expunction of Records of Minors
July 1, 2016	2016-127	HB 439	Mental Health Services in the Criminal Justice System
July 1, 2016	2016-129	HB 535	Building Codes
July 1, 2016	2016-84	HB 549	Offenses Concerning Racketeering and Illegal Debts
July 1, 2016	2016-72	SB 636	Evidence Collected in Sexual Offense Investigations
July 1, 2016	2016-59	HB 739	Secondhand Dealers
July 1, 2016	2016-161	SB 754	Public Records/Department of Agriculture

			and Consumer Services Criminal or Civil Intelligence or Investigative Information
July 1, 2016	2016-135	HB 769	Mental Health Treatment
July 1, 2016	2016-171	SB 846	Divers-down Warning Devices
July 1, 2016	2016-165	SB 908	Organization of the Department of Financial Services
July 1, 2016	2016-175	SB 936	Persons with Disabilities
July 1, 2016	2016-177	SB 964	Prescription Drug Monitoring Program
July 1, 2016	2016-138	HB 1033	Information Technology Security
July 1, 2016	2016-179	SB 1044	Contraband Forfeiture
July 1, 2016	2016-115	SB 1046	Farm Vehicles
July 1, 2016	2016-96	HB 1051	Anchoring Limitation Areas
July 1, 2016	2016-233	HB 1075	State Areas
July 1, 2016	2016-100	HB 1149	Alternative Sanctioning
July 1, 2016	2016-145	HB 1241	Ordering of Medication
July 1, 2016	2016-199	SB 1294	Victim and Witness Protection
July 1, 2016	2016-105	HB 1347	Illicit Drugs
July 1, 2016	2016-150	HB 1411	Termination of Pregnancies
July 1, 2016	2016-204	SB 1412	Orders of No Contact
July 1, 2016	2016-207	SB 1432	Service of Process
July 1, 2016	2016-212	SB 1604	Drugs, Devices, and Cosmetics
July 1, 2016	2016-107	HB 7013	Fish and Wildlife Conservation Commission
July 1, 2016	2016-108	HB 7025	At-risk Vessels
October 1, 2016	2016-15	HB 75	Electronic Monitoring Devices
October 1, 2016	2016-5	SB 180	Trade Secrets
October 1, 2016	2016-185	SB 218	Offenses Involving Electronic Benefits Transfer Cards
October 1, 2016	2016-187	SB 380	Violation of an Injunction for Protection
October 1, 2016	2016-81	HB 387	Offenses Evidencing Prejudice
October 1, 2016	2016-156	SB 436	Crime of Making Threats of Terror or Violence
October 1, 2016	2016-24	HB 545	Human Trafficking
October 1, 2016	2016-228	HB 821	Reimbursement of Assessments
October 1, 2016	2016-102	HB 1219	Veterans' Employment
October 1, 2016	2016-104	HB 1333	Sexual Offenders/Sexual Predators
October 1, 2016	2016-208	SB 1470	Crustaceans
October 1, 2016	2016-47	SB 7002	OGSR/Audit Report and Certain Records/Local Government
October 1, 2016	2016-214	SB 7022	OGSR/Depictions or Recordings of the Killing of a Law Enforcement Officer
October 1, 2016	2016-151	HB 7071	Public Corruption
January 1, 2017	2016-176	SB 938	Retail Sale of Dextromethorphan

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