

**2018 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 2018 regular session of the Florida Legislature. The Legislative Summary, available on FDLE's public website, may be found at: <http://www.fdle.state.fl.us/OGC/Summaries/Legislative-Summaries.aspx>. The Legislative Summary does not address every element of every summarized law, and some laws of potential interest to law enforcement have been omitted; you should review the entire content of any law in which you have a particular interest. The Summary includes Internet hyperlinks to the complete text of all summarized bills.

This year's Summary is the product of the combined efforts of many within the FDLE Office of General Counsel, including Deputy General Counsel James Martin, Assistant General Counsels Joe White, Shehla Milliron, Linton Eason, Weston Petkovsek, Rebecca Cambria, Janine Robinson, Christopher Bufano, Elisabeth Yerkes, Ray Shackelford, Dorothy Smith, Kate Holmes, Jeff Dambly, Regional Legal Advisor Lauren Gonzalez, Operations and Management Consultant Manager Dana Kelly, and Business Consultant Kim Shaw. *Do not rely solely on the Summary for a complete understanding of any bill or the 2018 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.

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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
(850) 487-5229

FLORIDA DEPARTMENT OF LAW ENFORCEMENT
OFFICE OF GENERAL COUNSEL



2018 LEGISLATIVE SUMMARY

House Bill 21 (Ch. 2018-13): Controlled Substances; Opioid Limits; Criminal Offense Involving Tableting Machine; Crimes; Prescription Drug Monitoring Program

The bill limits the prescription for a Schedule II opioid for acute pain to a 3-day supply, or a 7-day supply if deemed medically necessary by the prescriber. The bill excludes pain related to cancer, terminal illness, palliative care, and serious traumatic injury from these prescribing limits. The bill also requires a health care practitioner to review a patient's PDMP history before prescribing or dispensing a controlled substance, with exemptions. The bill makes it a crime to possess, purchase, deliver, or sell a tableting machine, encapsulating machine, or controlled substance counterfeiting material for the purpose of illegally manufacturing controlled substances. The bill increases the level of offense from a third-degree felony to a second-degree felony for intentionally prescribing medically unnecessary controlled substances, or medically unnecessary amounts of controlled substances. The bill aligns the state schedule of drugs with the federal schedule of drugs.

Effective Date: July 1, 2018

<https://www.flsenate.gov/Session/Bill/2018/21/BillText/er/PDF>

House Bill 141 (Ch. 2018-145): Transportation; Department of Transportation; State Agencies; Law Enforcement Officers; Law Enforcement Vehicles; Firefighters; Tolls; Funerals

This bill handles a variety of issues related to toll roads in the State of Florida. For the purposes of this Summary, the bill exempts law enforcement officers from paying a toll in a toll facility, when operating an official vehicle, whether marked or unmarked, while on official law enforcement business. The bill also exempts a person participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty from toll requirements.

Effective Date: July 1, 2018

<https://www.flsenate.gov/Session/Bill/2018/141/BillText/er/PDF>

House Bill 165 (Ch. 2018-128): Written Threats to Conduct Mass Shootings or Acts of Terrorism; Threats; Crimes; Terrorism; Mass Violence; Social Media; Communications Providers; Liability; Critical Infrastructure; School Safety

The bill amends F.S. 836.10 to update Florida's threat statute to cover issues seen on social media. The bill prohibits a person from writing, posting, or transmitting a threat to conduct a mass shooting or an act of terrorism in writing or other record in any manner that would allow another person to view the threat. The bill provides such acts to be a second-degree felony. The bill also exempts certain communications providers from liability under the threat statute.

Effective Date: July 1, 2018

<https://www.flsenate.gov/Session/Bill/2018/165/BillText/er/PDF>

Senate Bill 186 (Ch. 2018-126): Resign-to-Run Law; Public Office; Political Races; Department of State; State Agencies; Local Government

The bill requires a state or local officer to resign 10 days before the first day of qualifying for federal public office if the terms of the two offices overlap. The written resignation must be submitted to the respective officer or authority that qualified or appointed the state or local officer with a copy also going to the Governor and Department of State. The resignation is irrevocable when submitted and takes effect no later than the date the officer would take office, if elected, or the date the officer's successor is required to take office. The bill provides that failure to submit the required resignation would result in an automatic irrevocable resignation of the current office effective immediately and notice would be sent by the Department of State to the Governor and the respective officer or authority that qualified or appointed the officer.

Effective Date: March 30, 2018

<https://www.flsenate.gov/Session/Bill/2018/186/BillText/er/PDF>

House Bill 215 (Ch. 2018-130): Motor Vehicles; Driver's Licenses; Department of Highway Safety and Motor Vehicles; State Agencies; Transportation; Vehicles; Local Government; Licensing

This bill amends F.S. 316.003 and adds a definition of "autocycle" as being a three-wheeled motorcycle having two wheels in front and one wheel in back, and equipped with a roll cage or roll hoops, seat belts, and a steering wheel. The bill amends F.S. 316.614 to require safety belt usage for operators and passengers of an autocycle. F.S. 322.03(4) and F.S. 322.12(5) are amended to clarify that a licensed driver (Class E driver license or above) may operate an autocycle without a motorcycle endorsement. The bill creates F.S. 334.352, which generally prohibits local governmental entities from preventing motor vehicle use or access to an existing transportation facility or corridor if such facility or corridor is the only point, or one of only two points, of ingress to and egress from a state university. A law enforcement agency may prevent access to a facility or corridor in an emergency situation or due to a temporary closure for road maintenance or repair.

Effective Date: July 1, 2018

<http://www.flsenate.gov/Session/Bill/2018/215/BillText/er/PDF>

House Bill 333 (Ch. 2018-46): Minimum Officer Qualifications; Law Enforcement Officers; Corrections Officers; Correctional Probation Officers; Military Special Operations Forces; Criminal Justice Standards and Training Commission; Rulemaking; Basic Recruit Training; Licensing

The bill exempts individuals who served in the special operations forces of the U.S. military from completing the basic recruit training program for law enforcement, correctional, or correctional probation officers. To qualify for the exemption, an applicant must have served in the special operations forces for a minimum of five years and must apply for the exemption within four years of separating from the special operations forces. The bill defines "special operations forces", requires those who qualify for the exemption to meet the minimum officer qualifications prescribed in F.S. 943.13, demonstrate proficiency in high-liability areas, pass the officer certification examination within 1 year of receiving the exemption, and complete any additional training required by the Criminal Justice Standards and Training Commission based on the applicant's prior training and experience. The bill directs the Criminal Justice Standards and Training Commission to adopt rules that establish the criteria and procedures to determine if an applicant is exempt from completing a basic recruit training program.

Effective Date: July 1, 2018

<https://www.flsenate.gov/Session/Bill/2018/333/BillText/er/PDF>

House Bill 361 (Ch. 2018-47): Persons Authorized to Visit Juvenile Facilities; Department of Juvenile Justice; State Agencies; Juveniles; Rulemaking

The bill creates F.S. 985.6885 and authorizes certain people to visit between the hours of 6 AM and 11 PM all facilities housing juveniles that are operated or overseen by the Department of Juvenile Justice or a county. Those persons may include the Governor, a cabinet member, a member of the Florida Legislature, a judge of a state court, a state attorney, a public defender, or a person authorized by the Secretary of the Department of Juvenile Justice.

The bill also requires the Department of Juvenile Justice to adopt rules to implement this bill, including the requirement that the Department provide rules to specify when one of the above-specified people may visit a facility before 6 AM or after 11 PM. The bill also states that the Department may not unreasonably withhold permission to visit a facility subject to this section from a person who gives sufficient evidence that he or she is a bona fide reporter or writer.

Effective Date: July 1, 2018

<https://www.flsenate.gov/Session/Bill/2018/361/BillText/er/PDF>

Senate Bill 376 (Ch. 2018-124): Workers' Compensation Benefits; First Responders; Department of Financial Services; State Agencies; Rulemaking; Mental Health

This bill amends F.S. 112.1815, adding subsections (5) and (6) relating to workers' compensation benefits for first responders. Specifically, these provisions provide that, under certain circumstances, posttraumatic stress disorder suffered by a first responder is an occupational disease that is compensable by workers' compensation benefits. The bill provides the evidentiary standard for demonstrating the disorder and specifies that benefits do not require a physical injury and are not subject to certain apportionment or limitations.

Additionally, the bill provides a designated time for notice of injury or death, definitions, adoption of certain rules by the Department of Financial Services, and requires an employing agency to provide educational training related to mental health awareness, prevention, mitigation, and treatment.

Effective Date: October 1, 2018

<http://www.flsenate.gov/Session/Bill/2018/376/BillText/er/PDF>

House Bill 411 (Ch. 2018-146): Public Records and Public Meetings; Firesafety Systems; Public Records; Public Meetings; Security System Plans; Documents and Manuals

The bill takes the public records and public meeting exemptions for security system plans found in F.S. 119.071(3), F.S. 281.301, and F.S. 286.0113, and extends those provisions to include exemptions from public disclosure for firesafety systems. The definition of firesafety system plans also parallels security system plans, to include manuals for firesafety personnel or firesafety training, a firesafety system plan, or any documents relating directly to or revealing a firesafety system.

Effective Date: April 6, 2018

<https://www.flsenate.gov/Session/Bill/2018/411/BillText/er/PDF>

House Bill 417 (Ch. 2018-147): Public Records; Child Advocacy; Child Protection Teams; Public Necessity; Legislative Sunsets

The bill creates an exemption for the home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, and clinical employees of a child advocacy center, and the members of a child protection team whose duties include supporting the investigation of child abuse or sexual abuse, child abandonment, child neglect, and child exploitation. The bill also creates an exemption for the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouse and children, and the names and locations of schools and day care facilities attended by the children of such personnel. The bill also provides a statement of public necessity to keep this information exempt in order to protect the employees and families from potential physical and emotional harm from hostile persons who may act inappropriately and violently to the actions taken by these employees. This bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2023, unless reenacted by the Legislature.

Effective Date: July 1, 2018

<https://www.flsenate.gov/Session/Bill/2018/417/BillText/er/PDF>

House Bill 491 (Ch. 2018-49): Theft; Farm Animals; Crimes

The bill adds avian class animals to the category of commercially farmed animals in F.S. 812.014. The bill also increases the fine from up to \$5,000 to \$10,000 in cases of felony theft of a commercially farmed animal, including an animal of the equine, avian, bovine, or swine class or other grazing animal, or a bee colony of a registered beekeeper.

Effective Date: October 1, 2018

<https://www.flsenate.gov/Session/Bill/2018/491/BillText/er/PDF>

House Bill 523 (Ch. 2018-151): Trespass on Airport Property; Airports; Trespass; Crimes; Critical Infrastructure; Transportation

The bill amends F.S. 810.09 by providing enhanced criminal penalties for trespass upon the operational area of an airport, as defined, with specified intent if certain signage is legally posted. The bill provides for trespass upon an operational area of an airport is punishable as a third degree felony. The bill provides for examples of specified intent, including the intent to injure another person, damage property, or impede the operation or use of an aircraft, runway, taxiway, ramp, or apron area. The bill also defines "operational area of an airport."

Effective Date: October 1, 2018

<http://www.flsenate.gov/Session/Bill/2018/523/BillText/er/PDF>

House Bill 539 (Ch. 2018-51): Alarm Confirmation; Alarms; Residences; Contractors; Burglary

The bill amends F.S. 489.529 to require, in most circumstances, two attempts to confirm alarm signals generated by residential or commercial intrusion and burglary alarms systems with central monitoring, before law enforcement may be contacted for response to the premises generating the alarm. The bill provides that alarm confirmations will be attempted by call, text message, or other electronic means to the owner, occupant, or an authorized designee associated with the premises generating the alarm signal. Alarm signal confirmation is not required, however, if the intrusion/burglary alarm (1) has a properly operating visual or auditory sensor enabling monitoring personnel to verify the alarm signal; or (2) is installed on a premises used for the storage of firearms or ammunition by an alarm company customer who holds a valid federal firearms license as a manufacturer, importer, or dealer of firearms or ammunition, who has notified the alarm monitoring company the customer would like to bypass the two-call verification protocol.

Effective Date: July 1, 2018

<http://www.flsenate.gov/Session/Bill/2018/539/BillText/er/PDF>

House Bill 545 (Ch. 2018-52): Contracts; State Agencies; Local Government; Scrutinized Companies; Israel; Contractors

The bill amends F.S. 287.135 by expanding the prohibition against state agencies and local governmental entities from contracting with companies on the Scrutinized Companies that Boycott Israel List (Israel List) or companies which are engaged in a boycott of Israel. Previously, the prohibition applied only to contracts for goods of services of \$1 million or more. The bill also amends F.S. 287.135 by extending all other preexisting statutory requirements for contractors and government entities for purchases over \$1 million of more. The bill extends current requirements to transactions of any dollar amount with regard to provisions relating to the Israel List and/or companies engaged in a boycott of Israel.

Effective Date: July 1, 2018

<http://www.flsenate.gov/Session/Bill/2018/545/BillText/er/PDF>

House Bill 547 (Ch. 2018-92): Reports Concerning Seized or Forfeited Property; Seizures and Forfeitures; Property; Florida Department of Law Enforcement (FDLE); Law Enforcement Agencies; State Agencies

The bill changes the due date for a law enforcement agency to file a completed annual forfeiture report pursuant to the Florida Contraband Forfeiture Act with FDLE to December 1st from October 10th. The bill does not alter any other requirements.

Effective Date: July 1, 2018

<https://www.flsenate.gov/Session/Bill/2018/547/BillText/er/PDF>

Senate Bill 566 (Ch. 2018-83): Unlawful Detention by a Transient Occupant; Commerce and Tourism; Real Property

The bill amends F.S. 82.045, relating to the remedy for an unlawful detention by a transient occupant. Previously, a transient occupant was defined as a person who possesses real property lawfully for a brief length of time, without a lease or title to the property, such as a long-term houseguest; a transient occupant would unlawfully detain the property after being directed to leave by the party entitled to possession. The bill revises the factors used to determine whether an individual is considered a transient occupant; establishes the circumstances that cause a transient occupancy to terminate; provides for the recovery of the belongings of a former transient occupant once the transient occupancy has terminated; and authorizes a former transient occupant to bring a civil action against the party entitled to possession who unreasonably withholds the belongings of the former transient occupant.

Effective Date: July 1, 2018

<https://www.flsenate.gov/Session/Bill/2018/566/BillText/er/PDF>

House Bill 581 (Ch. 2018-93): Subpoenas in Investigations of Sexual Offenses; Law Enforcement Officers; Electronic Communications; Juveniles; Communications Providers; Communications; Documents and Manuals

The bill specifies the requirements for a subpoena to obtain records, documents, or other tangible objects and testimony to authenticate such materials or objects in an investigation involving allegations of sexual abuse of a child or the suspected commission of certain sex crimes as listed in F.S. 943.0435(1)(h)1.a. The subpoena may request non-content information such as subscriber or customer of a provider of an electronic communication service or remote computing service, or to the contents of a wire or electronic communication that has been in electronic storage in an electronic communications system for more than 180 days.

The bill allows investigators and law enforcement officers to require the recipient of the subpoena to provide the records, documents, or other tangible objects without notice to the subscriber or customer. Additionally, the law enforcement officer may prohibit the subpoena recipient from disclosing to any person the existence of the subpoena for 180 days if the subpoena is accompanied by a written certification of a supervisory official that there is reason to believe that notification of the existence of the subpoena may have an adverse result. The record, document, or other tangible object received under this subpoena may be retained for use in any ongoing criminal investigation or a closed investigation with the intent that the investigation may later be reopened. The bill also provides the recipient a method to petition

to modify or set aside a subpoena or the disclosure prohibition; specifies what subscriber or customer notification is required upon expiration of the delay of notification; specifies procedures for retention of records; provides for compensation of a subpoenaed witness and others; provides legal protections for subpoena compliance; and authorizes a court to compel compliance with a subpoena and to sanction refusal to comply.

Effective Date: October 1, 2018

<https://www.flsenate.gov/Session/Bill/2018/581/BillText/er/PDF>

Senate Bill 622 (Ch. 2018-24): Health Care Facility Regulation; Crimes

The bill provides for a number of adjustments to regulations for health care facilities in the State of Florida. Pertinent to law enforcement, the bill amends F.S. 429.08 to provide that any person who owns, rents or otherwise maintains a building used as an unlicensed assisted living facility commits a felony of the third degree. Similarly, any person who owns, operates, or maintains an unlicensed assisted living facility after receiving notice from the Agency for Health Care Administration of unlicensed activity commits a felony of the third degree. In both cases, each day of continued operation consists of a new criminal charge. The bill also removes a ten-day leniency period after notification for criminal misdemeanor charges associated with operating an unlicensed home health agency or unlicensed nurse registry.

Effective Date: July 1, 2018

<https://www.flsenate.gov/Session/Bill/2018/622/BillText/er/PDF>

House Bill 667 (Ch. 2018-133): Beverage Law; Alcoholic Beverages; Transportation

The bill provides for electronic orders received at an alcoholic beverage vendor's licensed place of business to be construed as a sale actually made at the vendor's licensed place of business. The bill also authorizes a vendor to make alcoholic beverage deliveries in a third-party vehicle under specified circumstances. The bill requires that a recipient's identity and age must be verified and documented at delivery, with current provisions on age requirements for the sale of alcoholic beverages remaining in place for deliveries and electronic sales.

Effective Date: July 1, 2018

<https://www.flsenate.gov/Session/Bill/2018/667/BillText/er/PDF>

House Bill 755 (Ch. 2018-60): Public Records; Communications; Communications Providers; National Public Safety Broadband Network; Public Necessity; Law Enforcement Communications; Legislative Sunsets

The bill states that information relating to the Nationwide Public Safety Broadband Network established pursuant to 42 U.S.C. § 1401 et. seq. held by an agency is confidential and exempt from public record. The information is confidential and exempt if release of the information would reveal design of network facilities; network coverage including geographical maps; capabilities of the network; features of network services provided to first responders; and security of the design of the network. The bill provides a statement of public necessity to keep this information confidential and exempt due to the fact that the information contains security information and proprietary business information of communications services providers. This information if released could result in cybersecurity breaches that could adversely impact the public health and safety of the state. This bill is subject to the Open

Government Sunset Review Act and stands repealed on October 2, 2023, unless reenacted by the Legislature.

Effective Date: July 1, 2018

<https://www.flsenate.gov/Session/Bill/2018/755/BillText/er/PDF>

House Bill 935 (Ch. 2018-61): Mortgage Regulation; Loans; Crimes; Property

The bill amends F.S. 494.001 by adding a definition for "business purpose loan." F.S. 494.0025(4) is amended to make it unlawful to misrepresent a residential mortgage loan, as defined in 494.001(25)(a), as a business purpose loan. The bill provides that misrepresenting a residential mortgage loan as a business purpose loan is punishable as a third degree felony, or as a first degree felony if the total value of money and property unlawfully obtained exceeds \$50,000 and there are five or more victims. Finally, the bill also amends F.S. 494.00115 by adding subsection (4), which defines the term "hold himself or herself out to the public as being in the mortgage lending business." This term is already in use in multiple subsections of Fla. Stat. 494.00115, which governs exemptions.

Effective Date: July 1, 2019

<http://www.flsenate.gov/Session/Bill/2018/935/BillText/er/PDF>

House Bill 1059 (Ch. 2018-100): Exploitation of a Vulnerable Adult; Injunctions; Vulnerable Adults; Law Enforcement Agencies; Crimes; Clerk of Courts

The bill provides for a cause of action to prohibit the exploitation of a vulnerable adult with an injunction. A vulnerable adult is defined as a person 18 years of age or older whose ability to perform normal activities of daily living, or whose ability to provide for their own care or protection, is impaired due to a physical or mental condition. The bill creates the process for standing to seek an injunction and the process through which an injunction may be obtained. The bill requires law enforcement officials to assist in issuing or executing an injunction as required by a clerk of court. Finally, the bill provides that a willful violation of an injunction constitutes a first degree misdemeanor, or a third degree felony for a willful violation with two or more prior convictions for violations of an injunction.

Effective Date: July 1, 2018

<https://www.flsenate.gov/Session/Bill/2018/1059/BillText/er/PDF>

House Bill 1065 (Ch. 2018-101): Criminal History Information; Expunctions; Seal and Expunge; Florida Department of Law Enforcement (FDLE); Criminal History Records

The bill amends F.S. 943.0585(2) to allow expungement of a criminal history record if the case disposition was a judgment of acquittal or a not guilty verdict. Previously, the record would first have to be sealed for at least 10 years. Additionally, the bill amends F.S. 943.059(2) to clarify that FDLE may not issue a certificate of eligibility to seal if the record relates to certain disqualifying offenses.

Effective Date: October 1, 2018

<http://www.flsenate.gov/Session/Bill/2018/1065/BillText/er/PDF>

Senate Bill 1132 (Ch. 2018-27): Vessel Safety Inspection Decals; Fish and Wildlife Conservation Commission; State Agencies; Rulemaking

The bill authorizes the Fish and Wildlife Conservation Commission (FWC) to designate by rule the timeframe for the expiration of, and the specific design for, the vessel safety inspection decal. The bill specifies that a decal may not be valid for less than 1 calendar year or more than 5 years, and, at a minimum, must meet the display standards specified in F.S. 327.70(2)(a). The bill provides that all decals issued by the FWC on or before December 31, 2018, are no longer valid after that date.

Effective Date: January 1, 2019

<https://www.flsenate.gov/Session/Bill/2018/1132/BillText/er/PDF>

House Bill 1177 (Ch. 2018-67): Joint Task Force on State Agency Law Enforcement Communications; Department of Management Services; Florida Department of Law Enforcement (FDLE); Sheriffs; Florida Sheriffs Association; Law Enforcement Communications; Communications Providers; State Agencies

The bill amends F.S. 282.709(2)(a) to expand the membership of the Joint Task Force on State Agency Law Enforcement Communications (JTF) to include a representative of the Florida Sheriffs Association (FSA), appointed by the FSA president. The bill specifies that the sheriff's office that employs the FSA representative appointed to the JTF is responsible for payment of per diem and travel expenses incurred by the FSA representative when attending JTF meetings and when traveling on other JTF-related matters.

Effective Date: July 1, 2018

<http://www.flsenate.gov/Session/Bill/2018/1177/BillText/er/PDF>

House Bill 1211 (Ch. 2018-137): Airboat Regulation; Ellie's Law; Fish and Wildlife Conservation Commission; Licensing; Boating Safety; Crimes; Rulemaking; Documents and Manuals; Transportation

This bill creates "Ellie's Law," which (beginning on July 1, 2018) prohibits a person from operating an airboat to carry passengers for hire on waters of the state unless he or she has certain documents onboard the airboat, including a photographic identification card; proof of completion of a boating safety education course, regardless of the established exemptions, except as otherwise provided; proof of successful completion of a commission approved airboat operator course that meets the minimum standards established by the Fish and Wildlife Conservation Commission rule; and proof of successful course completion in cardiopulmonary resuscitation and first aid. A person issued a captain's license by the United States Coast Guard is not required to complete the boating safety education course. However, proof of a captain's license is required to be onboard the airboat when carrying passengers for hire on waters of the state. A person who violates these airboat operating provisions commits a second degree misdemeanor, punishable by up to 60 days imprisonment or a \$500 fine. The bill requires the Fish and Wildlife Conservation Commission to adopt rules to implement the airboat operating requirements no later than October 1, 2018.

Effective Date: March 30, 2018

<https://www.flsenate.gov/Session/Bill/2018/1211/BillText/er/PDF>

House Bill 1301 (Ch. 2018-105): Sexual Offenders and Predators; Permanent Residences; Temporary Residences; Transient Residences; Residences; Crimes

The bill decreases the number of days required to meet the definition of a “permanent residence,” “temporary residence,” and “transient residence,” from 5 days to 3 days for persons required to register as a sexual predator or sexual offender under F.S. 943.0435 and F.S. 775.21. The bill also requires a court to impose mandatory terms of community control with electronic monitoring for sexual predators and sexual offenders who commit a felony violation of the registry laws if the court does not impose a prison sentence, including a mandatory minimum term of 6 months for a first offense; a mandatory minimum term of 1 year for a second offense; and a mandatory minimum term of 2 years for a third or subsequent offense. The bill excludes mandatory community control with electronic monitoring for an offense related to harboring a sexual predator or sexual offender who is in noncompliance with registration requirements.

Effective Date: July 1, 2018

<https://www.flsenate.gov/Session/Bill/2018/1301/BillText/er/PDF>

Senate Bill 1392 (Ch. 2018-127): Criminal Justice; Department of Corrections; Florida Department of Law Enforcement (FDLE); Department of Juvenile Justice; Criminal Justice Data; State Attorneys; Public Defenders; Clerk of Courts; Detention Facilities; Appropriations; Grants; Pretrial Release; Crime Punishment Code; Civil Citations; Prearrest Diversion Programs; Rulemaking; Expunctions; Seal and Expunge; Juveniles; Criminal History Records; State Agencies; Sentencing

The bill creates a model of uniform criminal justice data collection. Specifically, the bill: defines terms used in the bill as they relate to data collection; requires the clerks of court, state attorneys, public defenders, county detention facility administrators, and the Department of Corrections to collect specified data on a biweekly basis and report it to FDLE on a monthly basis; requires FDLE to publish the data collected on the FDLE’s website and make it searchable and accessible to the public; provides that any clerk of the court or county detention facility that does not comply with the required data collection is ineligible to receive funding from the General Appropriations Act, any state grant program administered by FDLE, or any other state agency for five years after the date of noncompliance; requires additional information to be reported in the annual report for pretrial release programs; digitizes the Criminal Punishment Code sentencing scoresheet; and authorizes a pilot project in the Sixth Judicial Circuit for the purpose of improving criminal justice data transparency. Additionally, the bill provides for the establishment of civil citation or similar prearrest diversion programs for adults and juveniles. The bill permits local communities and public or private educational institutions to adopt a model prearrest diversion program for adults, and provides guidelines for the establishment of such programs. The bill requires a civil citation or similar prearrest diversion program for juveniles to be established in each judicial circuit in the state and outlines criteria that each civil citation or similar prearrest diversion program must specify in developing such program. The bill requires FDLE to adopt rules to provide for the expunction of a non-judicial record of the arrest of a minor who has successfully completed a diversion program. The bill also requires each diversion program to submit data that identifies each minor participating in the diversion program to the Department of Juvenile Justice. The

Department of Juvenile Justice must compile and semiannually publish the data on the Department's website.

Effective Date: July 1, 2018

<https://www.flsenate.gov/Session/Bill/2018/1392/BillText/er/PDF>

Senate Bill 1552 (Ch. 2018-86): License Plates; Juvenile Justice; Juveniles; Department of Highway Safety and Motor Vehicles; Department of Juvenile Justice; Detention; Risk Assessment Instruments; Reporting Centers; Support Organizations; State Agencies; Child Advocacy; Vehicles

The bill amends F.S. 320.08058 to remove the requirement that the proceeds from the "Invest in Children" license plate must be allocated for programs and services within each county based on each county's proportionate share of the license plate annual use fee. The bill also amends F.S. 985.26 by adding a subsection that requires a prolific juvenile offender who violates conditions of his or her nonsecure detention to be held in secure detention until a detention hearing is held. The bill amends F.S. 985.672 and requires the secretary of Juvenile Justice to appoint a board of directors of the direct-support organization. The board members shall be appointed according to the organization's bylaws. The bill also deletes the scheduled repeal of provisions governing the direct-support organization.

This bill makes additional changes that will be effective July 1, 2019, including replacing the term "nonsecure" with "supervised release," and makes conforming changes throughout F.S. Chapter 985, deleting the provisions authorizing the Department of Juvenile Justice to develop evening reporting centers, and revising the Risk Assessment Instrument used to determine placement of a juvenile in detention care.

Effective Date: July 1, 2018, unless as otherwise provided

<https://www.flsenate.gov/Session/Bill/2018/1552/BillText/er/PDF>

Senate Bill 1576 (Ch. 2018-87): Animal Welfare; Animals; Animal Cruelty; Crimes; Sentencing

This bill creates F.S. 823.151 to require animal control agencies and humane organizations to adopt written policies and procedures to ensure that every reasonable effort is made to quickly and reliably return lost cats or dogs to identified owners. This bill also amends F.S. 828.12 relating to animal cruelty and allows a court to prohibit a person who is convicted of animal cruelty from owning, possessing, keeping, harboring, having contact with, or having custody or control over any animal for a period of time determined by the court. This bill also amends F.S. 921.0022 to increase the severity ranking for aggravated animal cruelty from a level three to a level five on the offense severity chart of the Criminal Punishment Code.

Effective Date: October 1, 2018

<https://www.flsenate.gov/Session/Bill/2018/1576/BillText/er/PDF>

Senate Bill 1940 (Ch. 2018-1): Public Records; Public Meetings; School Safety; Critical Infrastructure; Florida Department of Law Enforcement (FDLE); Law Enforcement Agencies; Department of Education; State Agencies

This bill is a companion bill to Senate Bill 7026, the Marjory Stoneman Douglas High School Public Safety Act. The bill creates exemption from public records and public meetings for school safety. The bill makes the identity of any reporting individuals through the FortifyFL school safety app confidential and exempt from public records. Any other information held by law enforcement agencies or school officials related to the FortifyFL app is exempt from public records. The bill also exempts from public meeting requirements certain portions of meetings held by the Marjory Stoneman Douglas High School Public Safety Commission in which confidential or exempt information is reviewed. Finally, the bill exempts from public records any information held by a law enforcement agency or school district that would identify an individual as a safe-school officer.

Effective Date: March 9, 2018

<https://www.flsenate.gov/Session/Bill/2018/1940/BillText/er/PDF>

Senate Bill 7024 (Ch. 2018-2): Public Records; Victim of an Incident of Mass Violence; Public Necessity; School Safety; Legislative Sunsets

The bill creates an exemption for the address of a victim of an incident of mass violence. The bill defines the term "incident of mass violence" as an incident in which four or more people, not including the perpetrator, are severely injured or killed by an intentional and indiscriminate act of violence of another. The term "victim" means a person killed or injured during an incident of mass violence, not including the perpetrator. The bill also provides a statement of public necessity in protecting the address of a victim of an incident of mass violence to ensure that the persons affected are not harassed, taken advantage of, or otherwise subjected to additional pain and suffering. This bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2023, unless reenacted by the Legislature.

Effective Date: March 9, 2018

<https://www.flsenate.gov/Session/Bill/2018/7024/BillText/er/PDF>

Senate Bill 7026 (Ch. 2018-3): Marjory Stoneman Douglas High School Public Safety Act; School Safety; Critical Infrastructure; Crimes; Sentencing; Firearms; Risk Protection Order; Coach Aaron Feis Guardian Program; Marjory Stoneman Douglas High School Public Safety Commission; Office of School Safety; Public Meetings; Public Records; Florida Department of Law Enforcement (FDLE); Department of Education; Law Enforcement Agencies; Risk Assessments; Threat Assessments; Juveniles; Appropriations; Clerk of Courts; Criminal Justice Standards and Training Commission; Threats; Local Government; Injunctions; Licensing; Mass Violence

The bill amends F.S. 790.065 and prohibits a person under 21 years of age from purchasing a firearm. The bill also prohibits a licensed firearm dealer, importer, or manufacturer from selling or transferring a firearm to a person under 21 years of age. The bill creates an

exception in the case of a member of the military, or a law enforcement or correctional officer, when purchasing a rifle or shotgun. Under the new law, a violation is a third degree felony.

The bill also amends F.S. 790.0655 and revises the required waiting period before delivery of any firearm by a firearms dealer (which previously applied only to handguns). The new law specifies that the waiting period is now three days or until the background check is completed, whichever is later. Under the bill, concealed weapons permit holders are exempt from the waiting period requirement. Individuals buying a rifle or shotgun are exempt from the waiting period if they have completed a 16-hour hunter safety course and possess a hunter safety certification card, or are exempt from the hunter safety course requirements and hold a valid Florida hunting license. The waiting period is also inapplicable for the purchase of a rifle or shotgun by a law enforcement or correctional officer or a military service member.

The bill establishes procedures for law enforcement to obtain a Risk Protection Order (RPO) from the circuit court, which would prohibit the subject of the order from possessing or purchasing a firearm. The order would also authorize law enforcement to collect the person's currently owned or possessed firearms and ammunition. The court may grant an RPO if law enforcement demonstrates to the court that the person poses a significant danger of causing personal injury to himself or others by having a firearm or ammunition in his custody or control or by purchasing or receiving a firearm or ammunition. Law enforcement must provide an affidavit listing the specific statements, actions, or facts that give rise to a reasonable fear of significant dangerous acts by the person. In determining if the person poses a significant danger, the court can consider factors such as recent threats of violence, a violent criminal history, prior reckless display of firearms and evidence of serious mental illness, among other listed factors. The bill authorizes law enforcement to seek a preliminary ex parte RPO as well as a long term RPO. The long term RPO would prohibit the person from having any firearm or ammunition in their custody or control for up to 12 months. The RPO must be supported by clear and convincing evidence.

Under the bill, an RPO would require the person to surrender to law enforcement all firearms and ammunition owned by the person in that person's custody, control, or possession, as well as any concealed carry license. Within 24 hours after issuance of the RPO, the clerk of the court must forward a copy of the order to the appropriate law enforcement agency which is required in turn to enter the order into FCIC/NCIC.

The bill provides that the sheriff is responsible for serving RPOs and taking custody of firearms and ammunition. The chief judge may designate another law enforcement agency to serve RPOs, in consultation with the sheriff. Law enforcement may also seek a search warrant for firearms or ammunition in the person's custody, control, or possession which have not been surrendered. Any person under an RPO who has in his possession a firearm or ammunition, or who purchases or receives a firearm or ammunition, commits a third degree felony.

The bill creates a new felony of the third degree for the import into the State of Florida or transfer, distribution, sale, or possession of a bump-fire stock. A bump-fire stock is defined as a conversion kit, a tool, an accessory, or a device used to alter the rate of fire of a firearm to mimic automatic weapon fire, or a device used to increase the rate of fire to a faster rate than possible with a semiautomatic firearm without assistance.

The bill also provides for a number of measures intended to ensure school safety. This includes the creation of the Coach Aaron Feis Guardian program, which authorizes the arming of school personnel for the limited purpose of preventing or abating an active assailant situation on school premises. Staff may only be armed through this program upon appointment by the sheriff after the completion of certain training requirements overseen by the local sheriff's office. To become a part of the Guardian program, individuals must be able to obtain a conceal carry license, complete training outlined by the Criminal Justice Standards and Training Commission, pass a psychological evaluation, pass random drug testing, and complete firearms qualifications. Exclusively in-classroom teachers are not eligible for the program.

The bill provides for the creation of the Office of Safe Schools through the Department of Education. The Office of Safe Schools is tasked with serving as a repository for best practices, training standards, and compliance oversight on matters of school safety, particularly by risk assessment tools for use by individual school districts. The bill calls for the creation of local threats assessment teams at each individual school across the state. These threat assessment teams should include law enforcement involvement along with school officials and other subject matter experts. The Office of Safe Schools is also required to create a school security risk assessment tool for use by schools across the state. The Office of Safe Schools must also coordinate with the Florida Department of Law Enforcement to establish a data repository for coordination among relevant government actors. Law Enforcement agencies will also work with local school boards to coordinate student crime watch programs and emergency drills.

The bill also provides for the creation of a school suspicious activity reporting app named "FortifyFL," which will be procured through the Florida Department of Law Enforcement and the Office of the Attorney General. The app will provide notifications of suspicious reports to the local law enforcement agency, the local school district, and the Florida Department of Law Enforcement. *See companion bill SB 1940 for public records confidentiality and exemptions related to the FortifyFL app.*

The bill provides for the creation of the Marjory Stoneman Douglas High School Public Safety Commission, which is composed of 16 members. The commission is tasked with investigating system failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents in the State of Florida, and to develop recommendations for system improvements. The commission is tasked with submitting an initial report by January 1, 2019 with specific findings. The Commission is granted the authority to review confidential or exempt information without waiving such authorities. *See companion bill SB 1940 for public records and public meetings confidentiality and exemptions related to the Commission.*

Effective Date: March 9, 2018

<https://www.flsenate.gov/Session/Bill/2018/7026/BillText/er/PDF>

House Bill 7029 (Ch. 2018-39): Legislative Sunsets; Expunctions; Seal and Expunge; Human Trafficking; Florida Department of Law Enforcement (FDLE); Criminal History Records

The bill maintains that a criminal history record ordered expunged pursuant to F.S. 943.0583 for human trafficking victim expunctions is confidential and exempt from public record requirements when retained by FDLE. The bill eliminates a sunset provision that would have repealed F.S. 943.0583.

Effective Date: October 1, 2018

<https://www.flsenate.gov/Session/Bill/2018/7029/BillText/er/PDF>

**Bills of Interest to Florida Law Enforcement Passed in the 2018 Legislative Session
Arranged by Effective Date**

<u>Effective Date</u>	<u>Chapter Number</u>	<u>Bill Number</u>	<u>Subject</u>
March 9, 2018	2018-1	SB 1940	Public Records and Public Meetings/School Safety
March 9, 2018	2018-2	SB 7024	Public Records/Victim of an Incident of Mass Violence
March 9, 2018	2018-3	SB 7026	Public Safety
March 30, 2018	2018-126	SB 186	Resign-to-run Law
March 30, 2018	2018-137	HB 1211	Airboat Regulation
April 6, 2018	2018-146	HB 411	Public Records and Public Meetings/Firesafety Systems
July 1, 2018	2018-13	HB 21	Controlled Substances
July 1, 2018	2018-145	HB 141	Transportation
July 1, 2018	2018-128	HB 165	Written Threats to Conduct Mass Shootings or Acts of Terrorism
July 1, 2018	2018-130	HB 215	Motor Vehicles
July 1, 2018	2018-46	HB 333	Minimum Officer Qualifications
July 1, 2018	2018-47	HB 361	Persons Authorized to Visit Juvenile Facilities
July 1, 2018	2018-147	HB 417	Pub. Rec./Child Advocacy Center Personnel and CPT Members
July 1, 2018	2018-51	HB 539	Alarm Confirmation
July 1, 2018	2018-52	HB 545	Prohibition Against Contracting with Scrutinized Companies
July 1, 2018	2018-92	HB 547	Reports Concerning Seized or Forfeited Property
July 1, 2018	2018-83	SB 566	Unlawful Detention by a Transient Occupant
July 1, 2018	2018-24	SB 622	Health Care Facility Regulation
July 1, 2018	2018-133	HB 667	Beverage Law
July 1, 2018	2018-60	HB 755	Pub. Rec./Nationwide Public Safety Broadband Network
July 1, 2018	2018-100	HB 1059	Exploitation of a Vulnerable Adult
July 1, 2018	2018-67	HB 1177	Joint Task Force on State Law Enforcement Communications
July 1, 2018	2018-105	HB 1301	Sexual Offender and Predators
July 1, 2018	2018-127	SB 1392	Criminal Justice

July 1,2018, unless as otherwise provided	2018-86	SB 1552	Juvenile Justice
October 1, 2018	2018-124	SB 376	Workers' Compensation Benefits for First Responders
October 1, 2018	2018-49	HB 491	Theft
October 1, 2018	2018-151	HB 523	Trespass on Airport Property
October 1, 2018	2018-93	HB 581	Subpoenas in Investigations of Sexual Offenses
October 1, 2018	2018-101	HB 1065	Expunction of Criminal History Records
October 1, 2018	2018-87	SB 1576	Animal Welfare
October 1, 2018	2018-39	HB 7029	OGSR/Human Trafficking Expunction
January 1, 2019	2018-27	SB 1132	Vessel Safety Inspection Decals
July 1, 2019	2018-61	HB 935	Mortgage Regulation

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