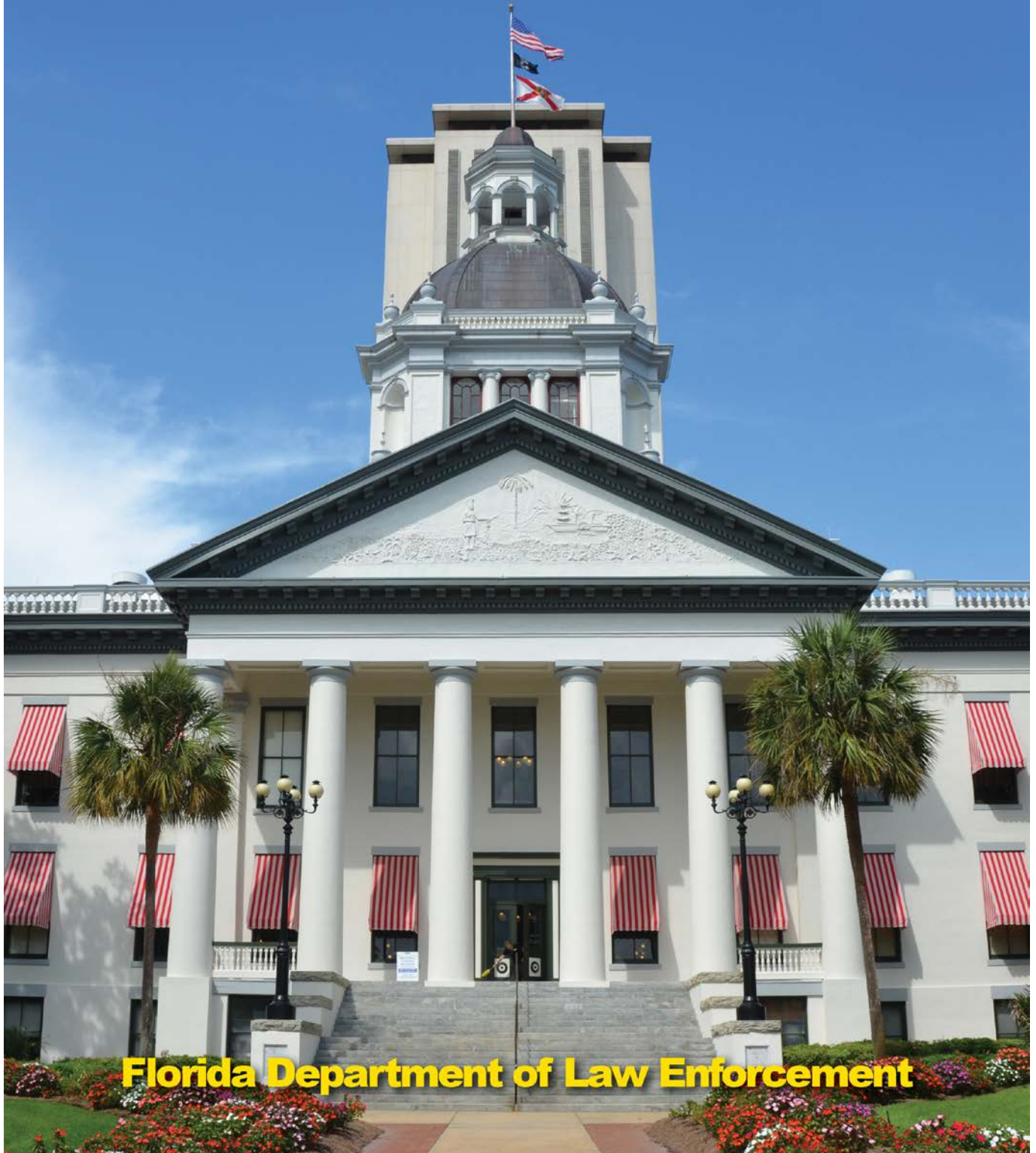


2016 Legislative Session Highlights



Florida Department of Law Enforcement

The 2016 regular legislative session ended Friday, March 11, 2016. The Legislature passed an \$82.4 billion spending plan for Fiscal Year 16-17. The department received \$30 million in new funding and 17 new full-time equivalent (FTE) positions. These new spending and multi-year projects and priorities are summarized below.

New Funding

Adjust Crime Laboratory Salary – \$3,959,176 Operating Trust Fund. Increase salaries of existing lab personnel (crime laboratory analysts, senior crime laboratory analysts and crime laboratory analyst supervisors) providing a greater incentive for experienced personnel to remain with the department. This will allow the department to retain scientists and improve laboratory productivity and service to Florida’s criminal justice agencies.

New Pensacola Regional Operations Center – \$3,000,000 General Revenue. Architectural and engineering design planning of a new regional operations center in Pensacola. This is the first year of a multi-year project.

Restore Investigative Staffing for Officer Involved Shootings / Use of Force Investigations – \$1,700,000 General Revenue (14 FTE). Increase staffing to meet the growing demand for officer-involved shootings/use of force investigations. This will allow investigations of these types of cases without diverting hours needed for other core mission responsibilities of the department.

Enhance Forensic Services – \$3,806,014 Operating Trust Fund. Supplies and consumables associated with Biology casework and DNA Database processing, overtime to meet incoming demand for service requests, expansion of the DNA Database servers and replacement of forensic equipment.

Sexual Assault Kit Backlog Plan – \$2,341,456 General Revenue. Outsourcing, equipment and overtime to work the sexual assault kit backlog.

Enhance Capitol Complex Security – \$171,000 Operating Trust Fund. Radiation detection equipment at Capitol Complex screening checkpoints to improve the safety for employees and visitors.

Support Critical Information Systems – \$1,700,000 Operating Trust Fund. Hire 10 new contract employees to meet customer requests for system improvements/enhancements. This will improve the agency’s ability to update information systems with evolving technologies.

Replacement of Motor Vehicles – \$690,000 Operating Trust Fund. Replace three crime scene vehicles that have exceeded their service ability.

Maintain Libra System Software – \$1,599,428 Operating Trust Fund. Purchase 24-month software lease and hire a contract employee to maintain the system until implementation of the modernized Computerized Criminal History system.

Replace Computerized Criminal History System – \$3,156,541 Operating Trust Fund. Continue Computerized Criminal History System modernization to increase functionality for criminal justice agencies and improve the quality of Florida’s criminal history records. This is third year of funding.

Upgrade Automated Training Management System – \$1,527,400 Operating Trust Fund. Continue Automated Training Management System rewrite to eliminate manual processes and allow extensibility and scalability of the system. This is the second year of funding.

Increase Staffing for the Office of Criminal Justice Grants – \$63,550 Federal Grants Trust Fund (1 FTE). Hire a position to perform grant management duties for the administration of Office of Criminal Justice Grants.

Increase NICS Staffing – \$127,547 Operating Trust Fund (2 FTE). Staffing to improve accuracy and completeness of criminal record history records while reducing the number of denials for licenses to qualified applicants that results from incomplete records.

Tenant Broker Commissions – \$52,700 Operating Trust Fund. Fees for tenant brokers upon completion of requisite services.

Spending Authority Provided:

Domestic Security Grant Programs – \$3,937,049 Federal Grants Trust Fund. Continue critical domestic security activities and complete disbursements on existing and ongoing subgrants under the federal Homeland Security Grant Program.

NCHP Livescan Project – \$1,640,000 Federal Grants Trust Fund. Funding to replace more than 40 Livescan machines in county jails and juvenile assessment centers across the state.

District Attorney of New York (DANY) Sexual Assault Kit Grant – \$933,000 Grants and Donations Trust Fund. Work previously unprocessed sexual assault kits in the 4th Judicial Circuit.

Bills that passed of particular relevance to the department are summarized below.

Public Records/Juvenile Criminal History Records – CS/CS/HB 293

Addresses the inconsistencies that exist between s. 985.04(1), F.S. (making the majority of juvenile records confidential) and s. 943.053, F.S. (allowing a juvenile’s criminal history information to be disseminated in the same manner as that of an adult) by:

- Ensuring that the specified juvenile records deemed to be not confidential and exempt under s. 943.053, F.S., are identical to the juvenile records deemed to be not confidential and exempt under s. 985.04, F.S.; and
- Requiring the department to release juvenile criminal history records in a manner that takes into account the records’ confidential and exempt status.

Amends s. 985.04(1), F.S., clarifying that juvenile records obtained under ch. 985, F.S., are confidential and exempt (rather than just confidential). The changes apply to records obtained before, on, and after the effective date of the bill. Section 985.04(2), F.S., is amended to specify that the following juvenile records are not confidential and exempt:

- Records of a juvenile taken into custody by a law enforcement officer for a violation of law which, if committed by an adult, would be a felony;

- Records of a juvenile who is charged with a violation of law which, if committed by an adult, would be a felony;
- Records of a juvenile who has been found to have committed an offense which, if committed by an adult, would be a felony; or
- Records of a juvenile who has been transferred to adult court pursuant to ch. 985, part X, F.S. The bill removes language specifying that the records of juveniles who have been found to have committed three or more misdemeanor violations are not confidential and exempt.

These records are now confidential and exempt. The bill authorizes a custodian of public records to choose not to post a juvenile's arrest or booking photograph on the custodian's website even though the photograph is not confidential and exempt or otherwise restricted from publication by law. This authorization does not restrict public access to the record.

Amends s. 943.053, F.S., 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 s. 985.04(2), F.S. Because the language regarding three or more misdemeanors is not included on the list, the department is no longer tasked with determining whether the juvenile had three or more misdemeanors before releasing such records to the private sector and noncriminal justice agencies. Records relating to misdemeanors are now confidential and exempt. The bill amends s. 943.053(3), F.S., to establish a separate process to disseminate juvenile criminal history information. Under this process, juvenile criminal history information, including the information that is confidential and exempt, is available to:

- A criminal justice agency for criminal justice purposes on a priority basis and free of charge;
- The person to whom the record relates or his or her attorney;
- The parent, guardian, or legal custodian of the person to whom the record relates, provided such person has not reached the age of majority, been emancipated by a court, or been legally married; or
- An agency or entity specified in ss. 943.0585(4) or 943.059(4), F.S., for the stated purposes, and to any person within the agency or entity who has direct responsibility for employment, access authorization, or licensure decisions.

Juvenile criminal history information not confidential and exempt may be released to the private sector and noncriminal justice agencies upon tender of fees and in the same manner that criminal history information relating to adults is released. Juvenile records deemed confidential and exempt under s. 943.053, F.S., which are released by the sheriff, the Department of Corrections or the Department of Juvenile Justice to private entities under contract with each entity retain their confidential and exempt status upon release to these private entities. The bill repeals all new public records exemptions created in the bill on October 2, 2021, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution. Approved by the Governor 03-24-2016, Chapter No. 2016-78. These provisions took effect upon becoming law.

Expunction of Records of Minors - CS/SB 386

Amends s. 943.0515, F.S., to require all records maintained by the department related to minors who are not classified as serious or habitual juvenile offenders or who have not been committed to a juvenile correctional facility or juvenile prison to be automatically expunged when the minor reaches the age of 21 years, instead of 24 years of age. Automatic expunction will occur so long as one of the following exceptions does not apply:

- A person 18 years of age or older is charged with or convicted of a forcible felony and the person's criminal history record as a minor has not yet been destroyed;
- At any time a minor is adjudicated as an adult for a forcible felony; or
- The record relates to a minor who was adjudicated delinquent for a violation committed on or after July 1, 2007, as provided in s. 943.0435(1)(a)1.d., F.S., involving certain sexual offenses.

Provides that a minor who is eligible for automatic expunction of criminal history records at age 21 may apply for an expunction any time after reaching 18 years but before reaching 21 years of age. The only offenses eligible to be expunged are those that the minor committed before reaching the age of 18 years. In order to qualify for expunction prior to age 21, the minor is required to apply to FDLE.

Amends s. 943.0582, F.S., to eliminate the requirement that an application for prearrest or postarrest diversion expunction must be submitted within 12 months after the minor completes the diversion program. The bill also amends s. 790.23, F.S., to allow an individual whose criminal record has been expunged, pursuant to the bill, to possess firearms. Approved by the Governor 03-10-2016, Chapter No. 2016-42. These provisions will take effect July 1, 2016.

Evidence Collected in Sexual Offense Investigations – CS/CS/SB 636

Creates s. 943.326, F.S., which addresses the collection and processing of evidence in sexual offense investigations that may contain DNA evidence. The bill requires that a sexual offense evidence kit collected in a sexual offense investigation be submitted to the statewide criminal analysis laboratory system for forensic testing within 30 days after the evidence is received by a law enforcement agency if a report of the sexual offense is made to the agency or when the victim or his or her representative requests that the evidence be tested. Testing of the sexual offense evidence kit must be completed no later than 120 days after submission to a member of the statewide criminal analysis laboratory system. A collected sexual offense evidence kit must be retained in a secure, environmentally safe manner until the prosecuting agency approves the kit's destruction. The victim, or his or her representative, shall be informed of the purpose of testing and of his or her right to demand testing. The victim shall be informed by either the medical provider conducting the physical forensic examination for purposes of evidence collection for a sexual offense evidence kit or, if no kit is collected, a law enforcement agency that collects other DNA evidence associated with the offense. By January 1, 2017, the department and each lab within the statewide criminal analysis laboratory system, in coordination with the Florida Council Against Sexual Violence, must adopt and disseminate guidelines and procedures for the collection, submission, and testing of DNA evidence obtained in connection with an alleged sexual offense. The guidelines and procedures must include:

- Standards for packaging evidence for submission to the laboratories for testing;
- What evidence must be submitted for testing, which would include a collected sexual offense evidence kit and possibly other evidence related to the crime scene;
- Timeframes for evidence submission including the 30 day deadline for collected sexual offense evidence kits as set forth in the bill;
- Timeframes for evidence analysis including the bill's requirement that testing of sexual offense evidence kits must be completed no later than 120 days after submission; and
- Timeframes for evidence comparison to DNA databases.

The newly-created s. 943.326, F.S., does not create a cause of action or create rights for a person to challenge the admission of evidence or create an action for damages or relief for a violation of the new

section of law. In addition, non-reporting kits will not be tested under this new law unless a victim decides to make a report to law enforcement. This law does not change the HIPPA protections nor the federal CODIS requirements regarding sexual assault kits from non-reporting victims. Approved by the Governor 03-23-2016, Chapter No. 2016-72. These provisions take effect July 1, 2016.

Contraband Forfeiture – CS/CS/SB 1044

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 s. 932.701, F.S., or if one or more of the following circumstances apply:

- The owner of the property cannot be identified after a diligent search or the person in possession of the property denies ownership and the owner of the property cannot be identified by available means at the time of seizure;
- The owner of the property is a fugitive from justice or is deceased;
- An individual who does not own the property is arrested for the criminal offense that forms the basis for determining that the property is a contraband article and the owner of the property had actual knowledge of the criminal activity;
- The owner of the property agrees to be a confidential informant as defined in s. 914.28, F.S.; or
- The property is a monetary instrument. If after a diligent effort by the seizing agency, the owner of the seized property cannot be found after 90 days, the property is deemed a contraband article and forfeited subject to the act.

The bill also:

- Prescribes procedures for judicial review of seizures;
- Specifies when a seizing agency must apply for a probable cause determination and the findings a court must make regarding probable cause;
- 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;
- Requires proof beyond a reasonable doubt that the contraband article was being used in violation of the act;
- 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;
- Increases from \$1,000 to \$2,000 the reasonable attorney's fees and costs a claimant can receive if the court makes a finding of no probable cause at the close of the adversarial preliminary hearing;
- 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;
- Requires specified persons approve all settlement agreements concerning the seized property;
- Increases the minimum percentage of forfeiture proceeds from 15 percent to 25 percent that law enforcement agencies receiving over \$15,000 annually in forfeiture funds must donate to certain enumerated programs;
- Requires 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 and the remainder deposited in the General Revenue Fund for use by regional workforce boards in providing transportation services for participants of the welfare transition program;

- Provides 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.

Approved by the Governor 04-01-2016, Chapter No. 2016-179. These provisions take effect July 1, 2016.

Sexual Offenders – CS/HB 1333

Amends numerous provisions of the laws pertaining to registration of sexual predators and sexual offenders. Some of these changes are to more closely align Florida’s registry laws with requirements of the federal Sex Offender Registration and Notification Act. Major features of the bill include:

- Requiring sexual predator or sexual 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 and making conforming changes to references to these offenses in s. 856.022, F.S. (loitering or prowling by certain offenders in close proximity to children);
- Clarifying that s. 943.0435, F.S. (the “Romeo and Juliet” statute), applies only to consensual acts and removing sexual battery as a qualifying offense;
- Clarifying to which court a sexual offender must petition for removal from registration requirements and removing inoperable language regarding calculation of the registration period;
- Including lewd or lascivious battery upon an elderly or disabled person as an offense that requires sexual offenders to register quarterly and for life;
- Amending various definitions relevant to registration of certain information, primarily to address omissions, and providing consistency among relevant statutes regarding registration requirements;
- Expanding the types of information that can be registered or updated through the department’s online system;
- Clarifying the appropriate entity to which a sexual predator or sexual offender must report;
- Modifying reporting requirements for international travel;
- Requiring sexual predators and sexual offenders taking online courses at Florida higher education institutions to report such information and for institutions of higher education to be notified of such attendance; and
- Clarifying the obligation to obtain a driver license or identification card.

Approved by the Governor 03-24-2016, Chapter No. 2016-104. These provisions take effect October 1, 2016.

Other bills that passed which may assist law enforcement in implementing public safety initiatives or may be of interest to members are summarized below.

Mental Health and Substance Abuse - CS/SB 12

Enhances the statewide system of safety-net prevention, treatment, and recovery services for substance abuse and mental health administered by the Department of Children and Families (DCF) by amending statutes related to behavioral health managing entities, the Criminal Justice, Mental Health, and Substance Abuse Grant Program, and the Baker and Marchman Acts. The bill enhances DCF oversight of the performance and accountability of managing entities. The bill requires counties and managing

entities to collaborate to create and implement designated receiving systems and transportation plans by July 1, 2017, to enhance the provision of acute behavioral health services to meet the needs of individuals with mental illness, substance abuse disorders, and co-occurring conditions. The bill also encourages managing entities to create “no-wrong-door” access models for the new designated receiving systems and requires DCF to designate the receiving systems. The bill revises the Baker and Marchman Acts, which provide for voluntary and involuntary treatment for mental illness and substance abuse impairment respectively, to align some provisions, make the procedures more accessible, and enhance reporting on admissions pursuant to these acts. The bill:

- Expands the types of professionals who can admit clients involuntarily under the Marchman Act and make recommendations for involuntary outpatient services under the Baker Act;
- Allows county court judges to issue ex parte orders for Baker Act involuntary examinations;
- Requires DCF to publish standard forms for Marchman Act pleadings and reporting;
- Requires DCF to create a statewide database of utilization data for all publicly funded detoxification and addictions receiving facility services; and
- Allows the respondent to privately pay for involuntary treatment under the Marchman Act.

Revises the Criminal Justice, Mental Health, and Substance Abuse Grant Program to expand the membership of the Statewide Grant Review Committee to include more non-state representatives and renames it the Policy Committee. The bill also creates a grant review and selection committee and streamlines the local process for applying for grants. It requires DCF and Agency for Healthcare Administration to develop a plan to obtain federal approval for increasing federal Medicaid funding for behavioral health care. The bill limits the time a person may practice as a clinical social worker intern, marriage and family therapist intern, or mental health counselor intern to five years. The bill authorizes courts in the child welfare system to order a child, parent, or legal custodian to participate in a mental health court program and to undergo a mental health assessment or treatment. It also requires that if court orders shared parental responsibility for healthcare decisions, the parenting plan must provide that either parent may consent to mental health treatment for the child. The bill reenacts s. 409.975(6), F.S., notwithstanding changes made to that subsection by HB 5101, to preserve the minimum and maximum Medicaid managed care hospital rates in current law. Approved by the Governor 04-15-2016, Chapter No. 2016-241. These provisions take effect July 1, 2016.

Law Enforcement Body Cameras – HB 93

Creates s. 943.1718, F.S., pertaining to body cameras, to:

- Define relevant terms including the term “body camera,” which means “a portable electronic recording device that is worn on a law enforcement officer’s person that records audio and video data of the officer’s law-enforcement-related encounters and activities”;
- Require a law enforcement agency that permits 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 by body cameras;
- Specify what must be included in those policies and procedures, such as general guidelines for the proper use, maintenance, and storage of body cameras and limitations on recording law-enforcement-related encounters and activities; and
- Require these 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.

Specifies that ch. 934, F.S. (interception of communications), does not apply to body camera recordings made by law enforcement agencies that elect to use body cameras. Approved by the Governor 03-24-2016, Chapter No. 2016-76. These provisions took effect upon becoming law.

Medical Use of Cannabis – CS/CS/CS/HB 307

Amends s. 381.986, F.S., the compassionate use statute on low-THC cannabis to include medical cannabis prescribed by a qualified physician for eligible patients. For purposes of the medical use of medical cannabis, an eligible patient is a person who has a terminal condition, which, without the administration of life-sustaining procedures, will result in death within one year if the condition runs its normal course; and who meets the other conditions in s. 499.0295, F.S., relating to experimental treatments for terminal conditions. The bill limits where a qualified patient may use low-THC cannabis or medical cannabis and violating any of these restrictions is a misdemeanor of the first degree.

Provides criminal penalties for a physician who orders medical cannabis for a patient without a reasonable belief that the patient has a terminal condition and authorizes disciplinary action under the applicable practice act if a physician orders low-THC cannabis, medical cannabis, or a cannabis delivery device and receives compensation from a dispensing organization. The bill preempts to the state all matters regarding the regulation of the cultivation and processing of low-THC cannabis or medical cannabis. A municipality may determine, by ordinance, the criteria for the number and location of dispensing facilities within its municipal boundaries. Similarly, a county may determine, by ordinance, the criteria for the number and location of dispensing facilities within the unincorporated areas of that county. The bill exempts qualified patients and their legal representatives from criminal penalties under ch. 893, F.S., as well as from any other section of law, but subject to the requirements in the bill, for the purchase and possession of low-THC cannabis, medical cannabis, and a cannabis delivery device ordered for the patient's medical use. A college or university that has a college of agriculture is authorized to conduct cannabis research consistent with state and federal law. The bill recognizes medical cannabis that is manufactured and sold by a dispensing organization as an investigational drug under the Right to Try Act, s. 499.0295, F.S., which authorizes experimental treatments for terminal conditions. Approved by the Governor 03-25-2016, Chapter No. 2016-123. These provisions took effect upon becoming law.

Crime of Making Threats of Terror or Violence – CS/CS/SB 436

Amends ss. 790.163 and 790.164, F.S., 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 creates s. 836.12, F.S., 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. Approved by the Governor 03-30-2016, Chapter No. 2016-156. These provisions will take effect October 1, 2016.

Mental Health Services in the Criminal Justice System – CS/CS/CS/HB 439

Expands the authority of 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 preadjudicatory and postadjudicatory level. The specialized mental health treatment authorized by this bill may help defendants avoid returning to the criminal justice and forensic mental health systems. Approved by the Governor 03-25-2016, Chapter No. 2016-127. These provisions take effect July 1, 2016.

Human Trafficking – CS/CS/HB 545

Reclassifies human trafficking offenses under s. 787.06, F.S., if a person causes great bodily harm, permanent disability, or permanent disfigurement to another person and clarifies that a person can be convicted of branding a victim of human trafficking if the branding is for the purpose of committing or facilitating the offense of human trafficking. The bill also adds human trafficking as a qualifying felony offense for first degree felony murder. The penalties for a first-time violation of s. 796.06(2), F.S. (renting a space to be used for lewdness, assignation, or prostitution), are increased from a second degree misdemeanor to a first degree misdemeanor. The penalties for a second or subsequent violation are increased from a first degree misdemeanor to a third degree felony. The bill addresses prostitution and related acts by:

- Removing minors from being prosecuted for prostitution, lewdness, or assignation under s. 796.07, F.S.;
- Revising the definition of the term “sexual abuse of a child” in s. 39.01, F.S. (a definition relevant to dependency proceedings), to delete reference to a child being arrested or prosecuted for a violation of any offense in ch. 796, F.S. (prostitution);
- Specifying that programs offered by faith-based providers may be included in required educational programs on the negative effects of prostitution and human trafficking;
- Reclassifying a violation of s. 796.07, F.S., to the next degree higher if the place, structure, building, or conveyance that is owned, established, maintained, or operated in violation of the statute is a massage establishment that is or should be licensed under s. 480.043, F.S.; and
- Adding s. 796.07, F.S., to the list of offenses which requires an emergency order suspending a massage therapist or establishment license and denying an application for a new or renewal massage therapist or establishment license.

Adds the offense of racketeering to the list of qualifying offenses for classification as a sexual predator or sexual offender only if the court makes a written finding that the racketeering activity involved at least one registration-qualifying sexual offense or one registration-qualifying offense with sexual intent or motive. Approved by the Governor 03-08-2016, Chapter No. 2016-24. These provisions take effect October 1, 2016.

Offenses Concerning Racketeering and Illegal Debts – HB 549

Amends civil enforcement provisions of the Florida Racketeer Influenced and Corrupt Organization (RICO) Act. Major features of the bill include:

- Authorizing an investigative agency, on behalf of the state, 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 a circuit court in the state for intangible property;
- Authorizing an investigative 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;
- Authorizing a court to order the forfeiture of any other property of a defendant up to the value of the property subject to forfeiture (as an alternative to the court ordering an amount equal to the fair market value of the unavailable property);
- Authorizing the Department of Legal Affairs to bring an action for a Florida RICO Act violation to obtain injunctive relief, civil penalties, attorney fees, and costs incurred in the investigation and prosecution of any action under the Florida RICO Act;

- Providing that a natural person who violates the Florida RICO Act may be subject to a civil penalty of up to \$100,000 and any other person who violates the act may be subject to a civil penalty of up to \$1 million, and requiring that moneys recovered for such civil penalties be deposited into the General Revenue Fund;
- Requiring that moneys recovered by the Department of Legal Affairs for attorney fees and costs under the Florida RICO Act be deposited into the Legal Affairs Revolving Trust Fund and authorizing use of those funds to investigate Florida RICO Act violations and enforce the act;
- Authorizing any party to a Florida RICO Act civil action to petition the court for entry of a consent decree or for approval of a settlement agreement;
- Providing that an investigative subpoena issued pursuant to the Florida 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;
- Providing that the list of claims for which a court directs distribution of forfeiture funds includes claims for restitution by RICO victims; and
- Providing 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). Approved by the Governor 03-24-2016, Chapter No. 2016-84. These provisions take effect July 1, 2016.

Public Records/State Agency Information Technology Security Programs - CS/SB 624

Makes confidential and exempt from public disclosure requirements information relating to how an agency detects, investigates or responds to information technology (IT) security incidents if the disclosure of such IT security information would facilitate the unauthorized access, modification, disclosure or destruction of data or IT resources. The bill also makes confidential and exempt from public disclosure requirements portions of risk assessments, external audits, evaluations or other reports of a state agency's IT security program. Both exemptions require agencies to release confidential and exempt information to the Auditor General, Agency for State Technology, FDLE and the Chief Inspector General. Agencies have the discretion to release confidential and exempt information to local governments, state agencies or federal agencies. Approved by the Governor 03-25-2016, Chapter No. 2016-114. These provisions took effect upon becoming law.

Fees for Records – SB 628

Adds the Agency for Persons with Disabilities to the list of specified state entities and vendors that pay a reduced fee per record for state and national criminal history information for each name submitted to the department. Approved by the Governor 03-30-2016, Chapter No. 2016-162. These provisions take effect July 1, 2016.

Persons with Disabilities – CS/CS/SB 936

Provides that a law enforcement officer, correctional officer, or public safety officer shall, upon the request of an individual with autism (or an autism spectrum disorder) or his or her parent or guardian, make a good faith effort to ensure that a psychiatrist, psychologist, mental health counselor, special education instructor, clinical social worker, or related professional is present at all interviews of the individual. The bill describes the qualifications the professional must have to serve in this capacity. In addition, the bill provides that the failure to have a professional present at the time of the interview is not a basis for suppression of the statement or the contents of the interview or for a cause of action against the officer or agency. The bill requires that law enforcement agencies develop appropriate

policies to implement the bill's provisions and that officers be trained based on these policies. Approved by the Governor 04-01-2016, Chapter No. 2016-175. These provisions take effect July 1, 2016.

Information Technology Security – CS/CS/CS SB 1033

Revises the duties of the Agency for State Technology (AST) by directing state agencies to:

- Establish computer security incident response teams and comply with the applicable guidelines and processes established by AST;
- Incorporate information learned from incident response activities into future plans;
- Implement risk assessment remediation plans recommended by AST;
- Provide cybersecurity training to employees within 30 days of employment; and
- Provide incident and breach information to AST and the department's Cybercrime Office within certain timeframes.

Revises the seven member AST Technology Advisory Council to require at least one member appointed by the Governor to be a cybersecurity expert. Directs AST, in collaboration with the Department of Management Services (DMS), to:

- Establish an information technology (IT) policy for all information technology-related state contracts, including state term contracts for IT commodities, consultant services, and staff augmentation services;
- Evaluate vendor responses for state term contract solicitations and invitations to negotiate;
- Answer vendor questions on state term contract solicitations; and
- Ensure IT policy developed herein is included in all solicitations and contracts which are administratively executed by DMS. The bill provides specified requirements for IT policy.

Approved by the Governor 03-25-2016, Chapter 2016-138. These provisions take effect July 1, 2016.

Veterans' Employment – CS/HB 1219

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's or political subdivision's workforce. Each veterans recruitment plan must apply to veterans and their family members who are entitled to veterans' preference in appointment and retention in public employment pursuant to s. 295.07(1), F.S. Approved by the Governor 03-24-2016, Chapter No. 2016-102. These provisions take effect October 1, 2016.

Illicit Drugs – CS/CS/HB 1347

Amends the schedule of controlled substances in s. 893.03, F.S., to describe, by core structure, the following synthetic controlled substances: synthetic cannabinoids; substituted cathinones; substituted phenethylamines; N-benzyl Phenethylamine compounds; substituted tryptamines; and substituted phenylcyclohexylamines. Each class description includes examples of compounds that are covered by the class description. The bill:

- Revises the definition of the term "substantially similar" for the purpose of determining whether a substance is an analog to a controlled substance. The bill defines the term according to the chemical structure of the substance instead of according to its physiological effect. The bill also provides additional factors for determining whether a substance is an analog of a controlled substance to include comparisons to the accepted methods of marketing, distribution, and sales of the substance.

- Revises the chemical terms for existing controlled substances by correcting errors in existing substance listings and deleting double entries.
- Creates a noncriminal penalty for selling, manufacturing, or delivering, or possessing with intent to sell, manufacture, or deliver, certain unlawful controlled substance in, on, or near an assisted living facility. The noncriminal penalty is a \$500 fine and 100 hours of community service in addition to any other penalty.
- Creates a third degree felony for a person 18 years of age or older who delivers certain illegal controlled substances to a person under the age of 18, who uses or hires a person under the age of 18 in the sale or delivery of such substance, or who uses a person under the age of 18 to assist in avoiding detection for specified violations.
- Creates a second degree felony for actual or constructive possession of a Schedule V controlled substance unless the controlled substance was lawfully obtained from a medical practitioner or pursuant to a valid prescription or order of a medical practitioner while acting in the course of his or her professional practice.
- Provides that a place or premise(s) that has been used on two or more occasions within a six-month period as a site of a violation of ch. 499, F.S., may be declared a public nuisance and abated.
- Includes misbranded drugs in the listing of paraphernalia that are deemed to be contraband and subject to civil forfeiture.

Approved by the Governor 03-24-2016, Chapter No. 2016-105. These provisions take effect July 1, 2016.