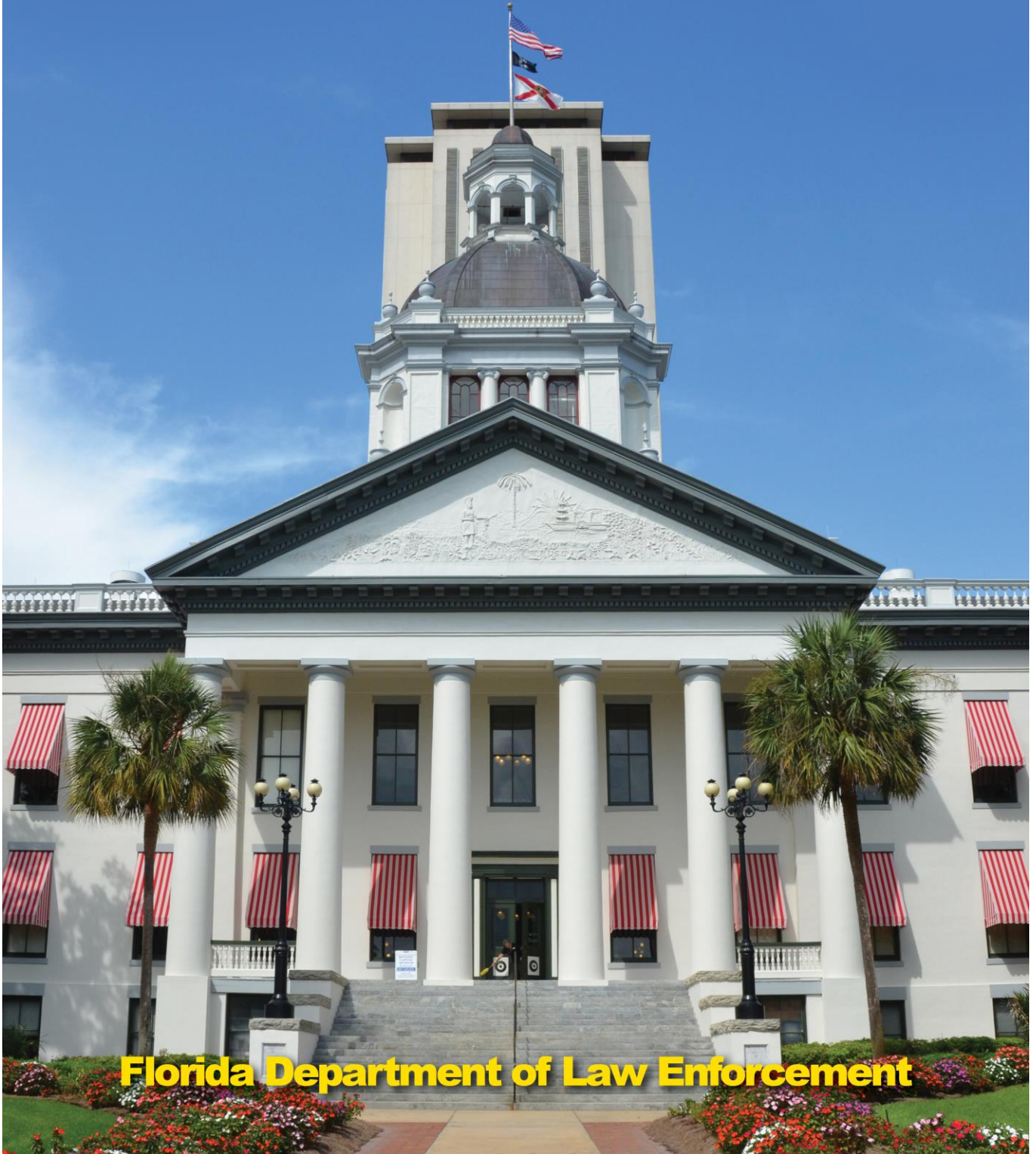


2020 Legislative Session Highlights



Florida Department of Law Enforcement

The 2020 Legislature set the state's FY 20-21 budget at \$93.2 billion and the department received \$13.1 million in new funding and 16 new full-time equivalent (FTE) positions. The budget includes a three percent salary increase for all state employees beginning October 1, 2020. The FY 20-21 budget was approved by the Legislature prior to the significant economic shutdown the state and country is now facing due to the COVID-19 pandemic. These historic actions may require the Legislature to convene a special session to reconsider the FY 20-21 budget, which could impact state and department appropriations. For now, the new funding initiatives and key substantive legislation passed during the session are summarized on the following pages.

New Funding Initiatives

Behavioral Threat Assessment Strategy - \$2,350,388 General Revenue (10 FTE). Funding to begin implementation of the Behavioral Threat Assessment Strategy in Florida. This cutting-edge strategy will have a positive impact on public safety by identifying individuals on the pathway to violence and implementing a plan to manage or reduce the threat.

Genetic Genealogy – \$792,059 (6 FTE) General Revenue. Funding to hire analysts to staff the program, for outsourcing of the genetic testing/ancestral research and additional genealogy work, required software subscriptions, in-house DNA testing supplies and training and related travel.

Drug Chemistry – \$1,205,243 General Revenue. Funding for equipment to implement the semi-quantitative method of THC analysis statewide. This quantification is necessary to differentiate legal hemp from illegal cannabis allowing law enforcement and prosecutors to determine if criminal charges are warranted.

Restore Project Safe Neighborhood Grant Authority – \$1,500,000 Federal Grants Trust Fund. Authority to implement the Project Safe Neighborhood grant program and make sub-awards to local units of government.

Criminal Justice Data Transparency – \$3,567,175 General Revenue. Funding to continue implementation of Section 900.05, FS, which requires uniform collection and public reporting of criminal justice data.

Florida Incident-Based Reporting System (FIBRS) - \$2,574,489 General Revenue. Funding to continue transition from uniform crime reporting to incident-based crime reporting.

Computerized Criminal History System Maintenance - \$1,900,000 General Revenue. Funding to contract for full system maintenance and operational support.

Repair Tampa Bay Regional Operations Center - \$2,160,156 General Revenue. Funding to begin necessary repairs and maintenance to correct deficiencies and code compliance within the TBROC facility.

Replace Aerial Lift Vehicles - \$175,000 Federal Grants Trust Fund. Authority to use federal grant funding to replace two aging aerial lift vehicles used by the Electronic Surveillance Support Teams.

Legislation Impacting the Department

Child Welfare – CS/HB 43

Creates “Jordan’s Law” and requires specified child welfare professionals, circuit and county judges who have responsibility for dependency cases, Guardian ad Litem program staff and law enforcement officers to receive training to recognize and respond to head trauma and brain injury in children under six years old developed by the Department of Health.

Requires FDLE to create a query process in the Florida Crime Information Center that allows law enforcement agencies to access the Department of Children and Families’ child protection database to determine if a person is

a parent or caregiver involved in the child welfare system by March 1, 2021. The bill further requires that if a law enforcement officer interacts with such a person and has concerns for a child's health, safety or well-being, the officer shall contact the Florida central abuse hotline. The hotline shall provide relevant information to individuals involved in the child's case. Quarterly progress reports are required until all systems enhancements and integrations required to implement these provisions are complete and in production.

Requires third-party credentialing entities that certify child welfare personnel to review the findings and all relevant records involving the death of a child or other critical incident following completion of any reviews by the department, the inspector general or the Office of Attorney General if a complaint is filed by an outside party involving certified personnel. This review must assess the certified personnel's compliance with the third-party credentialing entity's published code of ethical and professional conduct and disciplinary procedures. The bill allows credentialing and provides additional duties for the department and third-party credentialing entities.

If approved by the Governor, these provisions take effect July 1, 2020, except where otherwise stated.

Alert Systems in Public Schools – CS/CS/SB 70

Creates "Alyssa's Law" and modifies school safety statute to require each public school, including charter schools, to implement a mobile panic alert system capable of connecting diverse emergency services technologies to ensure real-time coordination between multiple first responder agencies, beginning with the 2021-22 school year. A public school district may implement additional strategies or systems to ensure real-time coordination between multiple first responder agencies in a school security emergency.

Requires the Department of Education, in consultation with FDLE, the Marjory Stoneman Douglas High School Public Safety Commission and the Division of Emergency Management to develop a competitive solicitation to contract for a mobile panic alert system that may be used by each school district, subject to legislative appropriation.

If approved by the Governor, these provisions take effect July 1, 2020

Verification of Employment Eligibility – CS/CS/CS/SB 664

Requires public employers, contractors and subcontractors to use E-Verify and private employers to use E-Verify or the I-9 Form. E-Verify is a free, Internet-based system through which an employer may quickly confirm that a newly-hired employee is authorized to work in the United States. In FFY 19, 98.5 percent of persons run through E-Verify were automatically confirmed as "work authorized."

Requires a party to a public contract to terminate the contract if it believes in good faith that another party is employing an unauthorized alien or is not registered with and using E-Verify. The bill specifies the termination is not a breach of contract. However, a contractor whose contract is terminated for failing to use E-Verify or for knowingly employing an unauthorized alien is liable for any additional costs incurred by the public employer resulting from the termination.

Requires private employers to provide an employee's eligibility-verification documents to the following government agencies charged with enforcing the requirements, if requested: FDLE, Office of Attorney General, state attorney and statewide prosecutor. These agencies, in turn, must request the federal government check the employee's work-eligibility status. If a private employer does not use E-Verify or the I-9 Form, the Department of Economic Opportunity must send the employer a notice and the employer must terminate any unauthorized employees, begin using E-Verify or the I-9 Form and respond with an affidavit of compliance within 30 days. If the employer does not do so, they face potential suspension and revocation of their business license. Employers and contractors have until January 1, 2021 to begin verifying employment eligibility as required in the bill.

If approved by the Governor, these provisions take effect July 1, 2020.

Other Legislation of Interest

Subpoenas – CS/HB 103

Expands the methods by which a law enforcement officer may affect service of an investigative subpoena, court order, or search warrant on an out-of-state corporation that provides electronic communication services or remote computing services. As expanded, service of the documents may be had on the corporation's registered agent under the laws of the state in which service will be affected. The bill also states that out-of-state corporations doing business in Florida through the Internet may be served at any location where the corporation regularly accepts service.

Specifies the means to enforce a subpoena on an in-state or out-of-state corporation that provides electronic communication services or remote computing services. If a corporation fails to comply with a properly-served subpoena, the bill allows a court, upon petition from the authority seeking the subpoena, to hold the non-complying corporation in indirect criminal contempt, and subject the entity to fines.

If approved by the Governor, these provisions take effect July 1, 2020.

Law Enforcement Vehicles – CS/SB 476

Provides that condominium, cooperative and homeowners' associations may not prohibit a law enforcement officer who is a unit or parcel owner, or the tenant, guest or invitee of an owner, to park his or her assigned law enforcement vehicle in an area where the owner, or the tenant, guest or invitee of an owner, has a right to park.

Approved by the Governor February 21, 2020, Chapter No. 2020-005. These provisions took effect upon becoming law.

First Responders and Correctional Officers – CS/CS/HB 573

Defines a peer support communication as oral, electronic, or written communications between a first responder and a first responder peer. The communication must be made with a mutual expectation of confidentiality and for the purpose of discussing physical or emotional issues associated with the first responder's employment. A first responder peer is a first responder who is not a health care practitioner, who has experience providing physical or emotional support to first responders, and who has been designated by the first responder's employing agency to provide peer support and has received training to do so.

Prohibits the disclosure of a first responder's peer support communication with a first responder and protects the confidentiality of the communications by prohibiting the first responder peer from divulging the communications or from testifying in civil, criminal, administrative and disciplinary proceedings regarding the communications, subject to certain exceptions.

Does not limit the disclosure of information obtained by a first responder peer from a source other than a peer. The bill also modifies the process for conducting law enforcement officer internal affairs investigations. Specifically, an agency head may request a sworn or certified investigator from a different agency to conduct the investigation when the employing agency identifies a conflict, the agency does not have an investigator trained to conduct such investigations or the agency's investigator is the subject of or witness to an investigation and the agency is comprised of 35 or fewer officers. The employing agency must document the identified conflict and upon completion of the investigation must present the findings to the employing agency without any disciplinary recommendations.

If approved by the Governor, these provisions take effect July 1, 2020.

Public Records and Meetings/Information Technology Security Information – CS/CS/HB 821

Expands two existing public records exemptions relating to information technology records to add “network schematics, hardware and software configurations and encryption” records to an existing exemption and streamline and simplify the exemptions by deleting duplicative provisions and restructuring the remaining provisions to maintain the same effect. It provides for the release of confidential and exempt records to FDLE, the Auditor General, Division of State Technology and the Chief Inspector General and for retroactive application of the exemption.

Creates a public meetings exemption for those portions of a public meeting which would reveal records that the above-discussed provisions make exempt. No exempt portion of an exempt meeting may be off the record, but must be recorded and transcribed. A recording and transcript is confidential and exempt from disclosure unless a court of competent jurisdiction, after an in camera review, determines that the meeting was not restricted to the discussion of data and information made confidential and exempt by this section. In the event of such a judicial determination, only that portion of the recording and transcript which reveals nonexempt data and information may be disclosed to a third party.

Pursuant to the Open Government Sunset Review Act, these public records and meetings exemptions are scheduled to repeal October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect upon becoming law.

Disaster Leave for State Employees – CS/SB 1050

Amends the Florida Disaster Volunteer Leave Act (the Act). The bill broadens the definition of “disaster” to mean an event that results in a state of emergency as declared by the governor of this state or any other state or territory in the United States. The bill adds the terms “disaster area” and “volunteer” to the Act.

Requires a request for disaster leave be made by the employee and specifies an employing agency must verify the employee’s volunteer status before granting leave. Leave for disasters occurring outside the boundaries of this state but within the United States requires the approval of the head of the employee’s employing agency. An employee receiving disaster leave must attest to his or her employing agency that he or she has completed his or her volunteer service and must specify the period of time served as a volunteer for that event and a description of the disaster response or recovery services provided.

If approved by the Governor, these provisions take effect on July 1, 2020.

Public Records and Meetings/ 911, E911 or Public Safety Radio Communications Systems – CS/CS/SB 1060

Makes confidential and exempt from public records disclosure requirements certain plans and geographical maps relating to 911, E911 or public safety radio communication structures or facilities owned and operated by a state agency. Any portion of a meeting that would reveal the confidential and exempt information is made exempt from the public meeting requirements. An agency is authorized to disclose the confidential and exempt information to certain, specified entities.

Pursuant to the Open Government Sunset Review Act, these public records and meetings exemptions are scheduled to repeal October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect upon becoming law.

Technology Innovation – CS/CS/CS/HB 1391

Abolishes the Division of State Technology within the Department of Management Services and establishes the Florida Digital Service and the Division of Telecommunications within the department and creates the Financial Technology Sandbox within the Office of Financial Regulation.

Tasks the Florida Digital Service (FDS) with creating innovative solutions that securely modernize state government, achieving value through digital transformation and interoperability, and supporting the previously established cloud-first policy. The bill requires FDS to develop a comprehensive enterprise architecture and addresses how information technology infrastructure may be modernized to achieve cloud-first objectives, with interoperability as a priority. The bill directs FDS, contingent on an appropriation, to assist agencies with the deployment of new interoperability applications or solutions and provides procedures for Cabinet agencies to adopt alternatives for enterprise architecture standards for data interoperability.

Tasks the Financial Technology Sandbox with licensing financial technology innovators to test new products and services using exceptions of specified general law and waivers of corresponding rule requirements under defined conditions in the consumer finance, payment instruments sellers and money transmitter programs.

If approved by the Governor, these take effect upon becoming law.