

LAW ENFORCEMENT NEWSLETTER

SEPTEMBER 2016

A MESSAGE FROM BILL CERVONE STATE ATTORNEY

As always the Fall issue of the Legal Bulletin is devoted in large part to legislative action from the 2016 session. The headnotes provided are intended simply to alert you to changes in particular areas. If you want or need to see the full language of anything that is included either contact the SAO or pull up the text at the website given at the end of that section. You should never rely on these brief notes without looking at the full text.

Of particular note this

year was legislation eliminating the three year mandatory sentence for use of a firearm in the commission of an Aggravated Assault. In deciding to do this the legislature somehow concluded that too many people were being unfairly incarcerated for hold a gun on someone else or taking a shot at another person. Reaching that conclusion requires that two things be ignored: first, that it is the legislature itself that enacted this as a part of 10-20-Life years ago, and second, before being sentenced the defendant had

indeed been found guilty by either a trial verdict or a plea. No matter, it would seem.

Following from this same logic are any number of other suggestions dealing with elimination of other mandatory sentences, especially in drug cases, that can be expected to come up in the 2017 session. Additional proposals would reduce the degree of crime for some offenses, or perhaps increase the levels required, for example, to raise a theft from a misdemeanor to a felony. Altruistically, one could say that this is all motivated by a desire to re-think the necessity of incarceration as a tool to protect society. Cynically, one could listen to what passes for debate in Tallahassee and conclude that it's all about not spending money on prisons and instead giving that money to private businesses that claim to know how to provide rehabilitation better than the government.

One inescapable conclusion I have is that we in law enforcement are to some



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LAW ENFORCEMENT
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degree the victim of our own success. Crime rates are down to the point where a short sighted person thinks the problem of crime is solved. We know better. Hopefully next year's legislature doesn't fall too far down the rabbit hole - all of us need to be vigilant through our respective associations to make certain that the gains we have made are not swept away.

IN MEMORIUM

Retired High Springs Police Chief Tom Wolfe passed away at the age of 89 on May 28th. Chief Wolfe served for 30 years until his retirement in 2003, and is remembered by all who knew him as a friend, a mentor, and a gentleman.

SAO STAFF CHANGES

ASA Ken Keith resigned from his position in the Gainesville Felony Division on May 20th. Ken will be trying his hand as a house parent with his three young children.

ASA Josh Wright also resigned on July 29 in order to take a position with the Attorney General's Office in their Jacksonville Medicaid Fraud Unit.

Joining the SAO in June was Maddie Grippen, who is a May 2016 graduate of the University of Florida Law School and who has been interning with the office for several terms. Maddie is as-

signed to the County Court division in Alachua County.

Also joining the office in July was Victoria Watson. Victoria comes to us after working for the last 8 years as a prosecutor in the Broward County State Attorney's Office and is returning to her home town of Gainesville. She is assigned to the felony division.

ASA Angela Rodgers has been transferred to the Gainesville felony division to fill one of vacancy created by the resignation of Josh Wright.



The SAO Is Now On Twitter

The SAO has established a Twitter feed to better disseminate information to the media and others such as law enforcement agencies. Like us at #8THCIRCUITSAO. For more information contact Deputy Chief Investigator Darry Lloyd at 352-374-3670.



Congratulations To...

Baker County Sheriff's Office Det. Mike Clark and Dep. Charles Coutter, who received the agency's Joseph Burtner Award, and Dep. Johnny Hodges, who received the Morris Fish Award, both of which were presented at the BCSO Law Enforcement Memorial Service on May 5th.

ASA Rebecca Shinholster, who has been appointed Chair of the 8th Circuit Community Advisory Board, which some know as the Juvenile Justice Council, its former name.

The Atkins Warren NOBLE Chapter held its inaugural Law Enforcement Awards Gala on June 4th. Among those recognized were SAO Deputy Chief Darry Lloyd with Community Service and Advocate of the Year awards, ASO Sgt. Marvin Waller and Lt. Dorian Curtis as Corrections Officers of the Year, and GPD Officers Marquitta Brown, Chris Kesting, and Lonnie Scott, ASO Dep. Paul Pardue, APD Officer Jason Moses, and HSPD Lt. Antoine Sheppard as Officers of the Year, and DOC Region 1 Director of Institutions Eric Lane as Corrections Administrator of the Year.

Gainesville Police Department Chief Tony Jones, who in June received the Center For Children's Law And Policy's ARC Award, recognizing him as an advocate for reform and change in juvenile justice.

Gilchrist County Sheriff Office Lieutenants Scotty Douglas (Investigations) and Michelle Jones (Patrol), who were promoted to those positions in July.

Gilchrist County Sheriff Bobby Schultz, who was elected Chairman of the Board of Directors of the Florida Sheriff's Association in July.

US Supreme Court Addresses Warrant Requirements In DUI Cases

In a significant opinion issued in June the United States Supreme Court held that a search warrant was not required in order to take a breath test after a DUI arrest, but that a warrant was necessary for a blood draw. The Court also held that criminalization of the failure to submit to a blood draw under implied consent is not permitted.

The case, [Birchfield v North Dakota](#), consolidated three appeals from North Dakota and Minnesota, each with slightly different facts. In all three, drivers had been charged with DUI and had either refused a breath or blood test, or been charged criminally for so doing.

The Court began its discussion by noting that both taking a blood sample and administering a breath test are searches governed by the 4th Amendment. Breath tests, however, do not "implicate significant privacy concerns" and include an "almost negligible" physical intrusion. The Court compared a breath test to using a straw, some-

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For a copy of the complete text of any of the cases mentioned in this or an earlier issue of the Legal Bulletin, please call Chief Investigator Paul Clendenin at the SAO at 352-374-3670.



**US Supreme Court Addresses
Warrant Requirements In
DUI Cases**

thing that few if any people would find intrusive, or collecting a DNA sample by swabbing the inside of the cheek. The Court also noted that the air sample taken in a breath test yields only the BAL result and leaves no biological material in the state's possession for some other potential use.

The same is not so, of course, for a blood test, which requires penetrating the skin and extracting a part of the body and is thus "significantly more intrusive than blowing into a tube."

As a result, and noting both the legitimate interest of the State in evidence collection and preservation and the logistical problems of requiring a warrant for a breath test "with little corresponding benefit," a breath test following a lawful DUI arrest is permissible without a warrant. A blood test, however, is not.

In addressing implied consent laws, which all states have, the Court noted with approval the necessity of states having some mechanism to discourage refusal as a part of combatting drunk driving. The incentive they provide serves a legitimate purpose. What a driver can be reasonably expected to consent to, however, is limited, and the Court drew a line at invasive testing such as for blood.

Flowing logically from this, the Court went on to hold that since blood cannot be drawn without a warrant, even under implied consent, it is likewise impermissible to criminally punish a driver's refusal to submit to that.

All of this is consistent with current Florida law, which has migrated in this direction for some time now. The singular meaningful impact of the Birchfield decision for us is the elimination of a criminal charge for refusal of a blood test.

Florida Supreme Court Clarifies Rules On Blocked Tags

The Florida Supreme Court ruled in May that anything that obstructs an officer's view of a license plate's alpha-numeric designation violates FS 316.605(1), regardless of whether it is actually on the tag or not. This ruling resolves a conflict on that question and upholds the law as it has been in the 1st District, which includes all of our Circuit.

In the case, a stop was made because the tag light on a vehicle along with its attached wires was hanging down in front of the tag, obstructing an officer's view of the tag and rendering at least one letter on the tag unreadable. When the vehicle turned, the light and wires momentarily shifted to make the number visible but once the turn was completed they again blocked the view. After being stopped because of that violation, of course, the driver was found to be in possession of contraband that gave rise to a criminal case.

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Florida Supreme Court Clarifies Rules On Blocked Tags

Continued

The Supreme Court ruled that Section 316.065(1) by its plain and clear language does not distinguish between matter that is on a tag, such as grime or dirt, and matter that is external to the tag, such as the light and wires in this case. There is no suggestion in the statute, the Court said, that something external to the tag is somehow a permissible obstruction.

This may seem obvious, and the 1st DCA has ruled that way in the past regarding a trailer hitch that blocked the view of a part of a tag. Other parts of the state, however, have taken a contrary and very narrow view that the obstruction had to be caused by something actually on the tag. With this new case, that conflict is now resolved, as it turns out favorably to law enforcement. A stop based on anything that obscures the view of the alphanumeric parts of a tag or a portion of them is legal, as would be a seizure of anything lawfully detected as a result of that stop.

NARCOTICS LAW UPDATE

CONTRIBUTED BY ASSISTANT STATE ATTORNEY JAMIE WHITEWAY

During the most recent legislative session, Florida's drug laws underwent significant updates. There are several notable changes that affect day-to-day charging decisions. First, the possession of "spice," regardless of amount, is now a felony. Second, the possession of a Schedule V controlled substance, including Buprenorphine, is now a misdemeanor.

The first change is that the possession of three grams or less of spice (or "synthetic cannabis") is no longer a misdemeanor. The language making the possession of three grams or less of spice a misdemeanor no longer exists in Fla. Stat. 893.13(6)(b). Instead, Fla. Stat. 893.13(6)(a) now governs the possession of spice, making the possession of any amount of spice a third-degree felony (this applies only to **possession** and does not affect statutes governing the sale or manufacture of spice).

Before July 1, 2016 Florida Statute 893.13(6)(b) mandated that "if the offense is possession of...3 grams or less of a controlled substance described in s. 893.03(1)(c) 46., 50., 114., 151., 159., 166., or 171. (the controlled substances commonly known as spice or synthetic cannabis) the person commits a misdemeanor of the first degree...." The new update to Chapter 893 that went into effect on July 1, 2016 removed this language, meaning subsection (6)(b) now only regulates the "possession of cannabis 20 grams or less...." Without the carve out for "3 grams or less" in subsection (6)(b), the possession of any amount of spice is left for prosecution under Fla. Stat. 893.13(6)(a), which does not specify amounts; therefore, possession of any amount of spice

is a third-degree felony.

Another change that came this year to the controlled substances section of Florida Statutes makes the possession of a Schedule V controlled substance a second-degree misdemeanor. Florida Statute § 893.13(6)(d) now creates a carve out making possession of any Schedule V drug a second-degree misdemeanor. One of the most common Schedule V drugs is Buprenorphine, a narcotic analgesic intended for the treatment of pain (trade name Buprenex®) and opioid addiction (trade names Suboxone® and Subutex®). It is important to note that while common websites, such as Drugs.com, list Buprenorphine as a Schedule III controlled substance, it was and remains a Schedule V controlled substance in Florida. FLA. STAT. § 893.03(5)(b) (2016) ("Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs and their salts: Buprenorphine.").

Prior to this update, possession of Buprenorphine, along with all Schedule V controlled substances, was a third-degree felony under § 893.13(6)(a). Interestingly, even before this change in law, the sale of a Schedule V controlled substance was a first-degree misdemeanor, and remains that way today. FLA. STAT. § 893.13(1)(a)(3). The recent modification to the possession statute logically classifies simple possession of a Schedule V controlled substance as a lesser offense than sale of the same substance.

2016 LEGISLATIVE UPDATE
Contributed By Monica M. Hofheinz
Assistant State Attorney/Executive Director
17th Judicial Circuit

Sentencing

HB 7101 Sentencing for Capital Felonies: Requiring juries to determine the existence of aggravating factors, if any, in the penalty phase of capital cases; requiring a certain determination by at least 10 jurors to support a recommendation of a sentence of death; deleting provisions relating to advisory sentencing by juries and findings by the court in support of sentences of death, etc. Effective Date: March 7, 2016 Chapter No. 2016-13

SB 228 Mandatory Minimum Sentences; Deleting aggravated assault from the list of convictions which carry a minimum term of imprisonment if during the commission of the offense the convicted person possessed a firearm or destructive device; deleting aggravated assault from the list of convictions which carry a minimum term of imprisonment if during the commission of the offense the convicted person possessed a semiautomatic firearm and its high-capacity detachable box magazine or a machine gun, etc. Effective Date: 7/1/2016 Chapter No. 2016-7

HB 545 Human Trafficking: Includes human trafficking as predicate offense for felony murder; prohibits permanently branding, or directing permanent branding, of victim of human trafficking; requires DOH to suspend license of massage therapist or massage establishment for specified violations in conjunction with establishment; provides that licensed massage therapist may not receive new or renewal license if applicant is convicted of certain prostitution offenses in conjunction with massage establishment; provides that licensed massage establishment may not receive new or renewal license if specified persons connected with establishment are convicted of certain prostitution offenses in conjunction with establishment; provides that minors may not be charged with specified prostitution offenses; requires person convicted of specified racketeering offenses to register as sexual predator or sexual offender; reenacts various provisions. Effective Date: October 1, 2016 Chapter No. 2016-24

HB 1149 Alternative Sanctioning: Authorizes chief judge of each judicial circuit, in consultation with specified entities, to establish alternative sanctioning program; authorizes offender who allegedly commits technical violation of supervision to waive participation in or elect to participate in program, admit to violation, agree to comply with recommended sanction, & agree to waive certain rights; authorizes court to impose recommended sanction or direct DOC to submit violation report, affidavit, & warrant to court; specifies that offender's participation in alternative sanctioning program is voluntary. Effective Date: July 1, 2016 Chapter No. 2016-100

SB 218 Offenses Involving Electronic Benefits Transfer Cards; Specifying acts that constitute trafficking in food assistance benefits cards and are subject to criminal penalties; providing criminal penalties, etc. Effective Date: 10/1/2016 Chapter No. 2016-185

SB 380 Violation of an Injunction for Protection; Providing enhanced criminal penalties for a third or subsequent violation of an injunction for protection against specified acts of violence or a foreign protection order issued for the same victim under specified provisions, etc. Effective Date: 10/1/2016 Chapter No. 2016-187

Law Enforcement

HB 93 Law Enforcement Officer Body Cameras: Requires law enforcement agency that permits its law enforcement officers to wear body cameras to establish policies & procedures addressing proper use, maintenance, & storage of cameras & data; requires such policies & procedures to include specified information; requires agency to ensure that specified personnel are trained; requires that data be retained in accordance with specified requirements; requires periodic review of agency body camera practices; exempts recordings from specified provisions relating to interception of wire, electronic, & oral communications. Effective Date: March 24, 2016 Chapter No. 2016-76

SB 1044 Contraband Forfeiture; Requiring the seizing agency to apply for an order, within a certain timeframe, making a probable cause determination after the agency seizes property; increasing the evidentiary standard from clear and convincing evidence to proof

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beyond a reasonable doubt that a contraband article was being used in violation of the Florida Contraband Forfeiture Act for a court to order the forfeiture of the seized property, etc. Effective Date: 7/1/2016

Crimes and Firearms

HB 7071 Public Corruption; Revising the definition of the term "bribery"; revising requirements for prosecution; revising the prohibition against unlawful compensation or reward for official behavior to conform to changes made by the act; revising the prohibition against official misconduct to conform to changes made by the act; revising applicability of the offense to include public contractors; revising the prohibition against bid tampering to conform to changes made by the act, etc. Effective Date: October 1, 2016 Chapter No. 2016-151

HB 387 Offenses Evidencing Prejudice: Designates act "Carl's Law"; removes provisions relating to reclassification of offenses committed while evidencing prejudice based on mental or physical disability of victim from provisions relating to offenses evidencing prejudice generally & reenacts them in separate statute section. Effective Date: October 1, 2016 Chapter No. 2016-81

SB130 Discharging a Firearm; prohibiting the recreational discharge of a firearm in certain residential areas; providing criminal penalties; providing exceptions, etc. Effective Date: 2/24/2016 Chapter No. 2016-12

SB 436 Crime of Making Threats of Terror or Violence; Creating the crime of falsely reporting the use of firearms in a violent manner against a person or persons; defining the terms "family member of a person" and "law enforcement officer", etc. Effective Date: 10/1/2016 Chapter No. 2016-156

HB 739 Secondhand Dealers: Requiring that the record of a secondhand dealer transaction include digital photographs of the items; requiring secondhand dealers to notify a law enforcement official under certain circumstances; revising the required holding period for certain goods acquired by a dealer; authorizing an action in replevin against a secondhand dealer based on a right of possession to stolen goods; revising the period of time a secondhand dealer must hold secondhand goods at a registered location, etc. Effective Date: July 1, 2016 Chapter No. 2016-59

SB 218 Offenses Involving Electronic Benefits Transfer Cards; Specifying acts that constitute trafficking in food assistance benefits cards and are subject to criminal penalties; providing criminal penalties, etc. Effective Date: 10/1/2016 Chapter No. 2016-185

HB 549 Offenses Concerning Racketeering and Illegal Debts: Authorizes investigative agency to institute civil proceeding for forfeiture in circuit court in certain circumstances; revises grounds for an action; authorizes court to order forfeiture of other property of defendant up to value of unavailable property in certain circumstances; authorizes DLA to bring an action for certain violations; provides for civil penalties for natural persons & other persons; authorizes party to specific civil action to petition for entry of consent decree or settlement agreement & provides requirements; revises provisions relating to subpoena confidentiality; provides that investigative agency has authority to stipulate to protective orders with respect to documents & information submitted in response to subpoena; provides for distribution of forfeiture proceeds to victims. Effective Date: July 1, 2016 Chapter No. 2016-84

Controlled Substances

HB 1347 Illicit Drugs: Revises definitions relating to controlled substances; revises schedules of controlled substances; provides additional factors to be considered in determining whether substance is controlled substance analog; revises how controlled substance analog is treated for purposes of drug abuse prevention & control; authorizes local actions to abate nuisances involving two or more violations of Florida Drug & Cosmetic Act within specified period; specifies additional substances that may be deemed contraband; revises lists of precursor & essential chemicals; specifies that crimes involving misbranded drugs are "racketeering

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activity" for purposes of Florida RICO Act; reenacts numerous provisions. Effective Date: July 1, 2016 Chapter No. 2016-105

SB 938 Retail Sale of Dextromethorphan; Prohibiting a manufacturer, distributor, or retailer, or its employees and representatives, from knowingly or willfully selling a finished drug product containing dextromethorphan to a person younger than 18 years of age; prohibiting a person 18 years of age or younger from purchasing a finished drug product containing dextromethorphan, etc. Effective Date: 1/1/2017 Chapter No. 2016-176

SB966 Prescription Drug Monitoring Program; Providing that certain acts of dispensing controlled substances in specified facilities are not required to be reported to the prescription drug monitoring program; authorizing the designee of a health care practitioner, pharmacist, pharmacy, prescriber, or dispenser or an impaired practitioner consultant to receive certain information from the prescription drug monitoring program, etc. Effective Date: 7/1/2016 Chapter No. 2016-177

SB 1604 Drugs, Devices, and Cosmetics; Authorizing a certain type of specialty hospital to conduct research on cannabidiol and low-THC cannabis if contracted with the Department of Health to perform such research; providing, revising, and deleting definitions for purposes of the Florida Drug and Cosmetic Act; revising prohibited acts related to the distribution of prescription drugs; providing that a restricted prescription drug distributor permit is not required for distributions between certain pharmacies; providing for the expiration, renewal, and issuance of certain drug, device, and cosmetic product registrations, etc. Effective Date: 7/1/2016 Chapter No. 2016-212

HB 307 Medical Use of Cannabis: Revising requirements for physicians ordering low-THC cannabis, medical cannabis, or a cannabis delivery device; revising the information that the Department of Health is required to include in its online compassionate use registry; providing that dispensing organizations may not dispense low-THC cannabis and medical cannabis unless they meet certain testing requirements; requiring the department to authorize certain dispensing organizations or applicants to provide low-THC cannabis, medical cannabis, and cannabis delivery devices to eligible patients, etc. Effective Date: March 25, 2016 Chapter No. 2016-123

Juveniles

SB 386 Expunction of Records of Minors; Creating an exception for specified minors who, before attaining 21 years of age, had a criminal history record expunged; authorizing specified minors to apply for expunction of a criminal history record under certain circumstances; deleting a limitation on the period of time within which a minor must submit an application for prearrest or post-arrest diversion expunction to the Department of Law Enforcement after successful completion of the diversion program, etc. Effective Date: 7/1/2016

HB 229 Bullying and Harassment Policies in Schools: Requiring each school district to review its bullying and harassment policy at specified intervals; requiring each school principal to implement the bullying and harassment policy in a certain manner and integrate it with the school's bullying prevention and intervention program; providing a short title for chapter 2010-217, Laws of Florida, relating to requirements for health education curricula and district school board policies on teen dating violence and abuse, etc. Effective Date: July 1, 2016 Chapter No. 2016-119

SB 1322 Juvenile Detention Costs; Requiring certain counties that are not fiscally constrained counties to each pay to the Department of Juvenile Justice its annual percentage share of specified amounts for specified fiscal years; requiring such counties to pay its annual percentage share of the specified amounts in 12 equal payments beginning on a specified date; requiring a county that is not fiscally constrained county to incorporate into its annual budget sufficient funds to pay its annual percentage share; requiring certain funds to be deposited into the Shared County/State Juvenile Detention Trust Fund, etc. APPROPRIATION: \$10,800,000.00 Effective Date: Except as otherwise provided in this act, this act shall take effect March 29, 2016 Chapter No. 2016-152

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Sex Offense Investigations/Child Abuse

SB 636 Evidence Collected in Sexual Offense Investigations; Requiring that a sexual offense evidence kit or other DNA evidence be submitted to a member of the statewide criminal analysis laboratory system within a specified timeframe after specified occurrences; requiring a medical provider or law enforcement agency to inform an alleged victim of a sexual offense of certain information relating to sexual offense evidence kits; requiring the testing of sexual offense evidence kits within a specified timeframe after submission to a member of the statewide criminal analysis laboratory, etc. Effective Date: 7/1/2016 Chapter No. 2016-72

SB1412 Orders of No Contact; Revising the requirements for notifying a defendant of a no contact order if issued by the court as a condition of pretrial release, etc. Effective Date: 7/1/2016 Chapter No. 2016-204

SB 1294 Victim and Witness Protection; Increasing the maximum age at which a victim or witness may be allowed to testify via closed circuit television rather than in a courtroom in certain circumstances; increasing the maximum age of victims and witnesses for whom the court may enter protective orders; including human trafficking and lewd and lascivious offenses in the rules of evidence applicable to sexually-related offenses, etc. Effective Date: 7/1/2016 Chapter No. 2016-199

HB 1333 Sexual Offenders: Revises sexual predator & offender criteria; revises reporting & registration requirements; revises elements of offense of loitering or prowling by certain offenders in close proximity to children; revises provisions relating for venue for proceedings for seeking removal of requirement to register as sexual predator or offender; requires that removal of registration requirement not conflict with federal law requirement; revises requirements concerning information to be released by DOC & DJJ regarding sexual offenders being released. Effective Date: October 1, 2016 Chapter No. 2016-104

HB 719 Education Personnel: Revises provisions relating to mandatory reports of child abuse, abandonment, & abuse, confidentiality of reports & records in cases of child abuse or neglect, teacher recruitment & retention, educator liability insurance, Education Practices Commission, & complaints against teachers & administrators; requires DOE to approve school leader preparation programs; provides program requirements. Effective Date: July 1, 2016 Chapter No. 2016-58

Mental Health Courts

SB 12 Mental Health and Substance Abuse; Including services provided to treatment-based mental health programs within case management funded from state revenues as an element of the state courts system; requiring assessment findings to be provided to the plan that is financially responsible for a child's care in residential treatment under certain circumstances; specifying certain persons who are prohibited from being appointed as a person's guardian advocate; authorizing county or circuit courts to enter ex parte orders for involuntary examinations; requiring the Department of Children and Families to create a workgroup on the use of advance directives for substance use disorders, etc. Effective Date: 7/1/2016 Chapter No. 2016-241

HB 439 Mental Health Services in the Criminal Justice System: Expanding eligibility for military veterans and servicemembers court programs; authorizing the creation of treatment-based mental health court programs; creating the Forensic Hospital Diversion Pilot Program; authorizing courts to order certain offenders on probation or community control to post-adjudicatory mental health court programs, etc. Effective Date: July 1, 2016 Chapter No. 2016-127

HB 769 Mental Health Treatment: Provides for continuation of psychotropic medication by forensic & civil facilities for individuals receiving such medication before admission; provides timeframes within which competency & commitment hearings must be held; revises time for dismissal of certain charges for defendants who remain incompetent to proceed to trial; provides exceptions; provides timeframe within which commitment hearings must be held; requires that defendant be transported for such hearing. Effective Date: July 1, 2016 Chapter No. 2016-135

Miscellaneous

SB 498 Repeal of a Prohibition on Cohabitation; deleting provisions prohibiting cohabitation by unmarried men and women, etc.

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Effective Date: April 6, 2016 Chapter No. 2016-188

SB 180 Trade Secrets; Including financial information in provisions prohibiting the theft, embezzlement, or unlawful copying of trade secrets; providing criminal penalties, etc. Effective Date: 10/1/2016 Chapter No. 2016-5

HB 75 Electronic Monitoring Devices: Prohibits person from removing, destroying, altering, tampering with, damaging, or circumventing operation of electronic monitoring device being worn or used pursuant to court order or order by Florida Commission on Offender Review; prohibits request, authorization, or solicitation of person to perform such act; specifies that DOC may electronically monitor offender sentenced to community control when court has imposed electronic monitoring as condition of community control. Effective Date: October 1, 2016 Chapter No. 2016-15

HB 91 Severe Injuries Caused by Dogs: Provides for discretionary, rather than mandatory, quarantine or impoundment of dogs that cause severe injuries to humans; revises hearing & final order procedures & related confinement requirements, for dangerous dog actions; specifies circumstances under which dangerous dog that has caused severe injuries to human may be euthanized; authorizes local governments to adopt certain ordinances pertaining to dogs that have bitten or attacked persons or domestic animals; exempts law enforcement dogs from dangerous dog law. Effective Date: March 8, 2016 Chapter No. 2016-16

HB 111 Jury Service: Provides that certain persons incapable of caring for themselves may be permanently excluded from jury service upon request; provides requirements for such request. Effective Date: July 1, 2016 Chapter No. 2016-52

Traffic

HB 131 Unattended Persons and Animals in Motor Vehicles: Providing immunity from civil liability for damage to a motor vehicle related to the rescue of a person or animal under certain circumstances; providing applicability, etc. Effective Date: March 8, 2016 Chapter No. 2016-18

HB231 Motor Vehicle Manufacturer Licenses: Revises provisions for denial, suspension, or revocation of license of manufacturer, factory branch, distributor, or importer of motor vehicles; revises provisions for certain audits of service-related payments or incentive payments to dealer by an applicant or licensee & timeframe for performance of such audits, provisions for denial or charge-back of claims, & provisions relating to certain adverse actions against dealer that sold or leased motor vehicle to customer who exported vehicle to foreign country or who resold vehicle; prohibits failure to make certain payments to motor vehicle dealer for temporary replacement vehicles & requiring or coercing dealer to purchase goods or services from vendor designated by applicant or licensee; & provides procedures for approval of dealer to purchase goods or services from vendor not designated by applicant or licensee. Effective Date: March 24, 2016 Chapter No. 2016-77

SB158 Identification Cards and Driver Licenses; Providing for a person's status as a lifetime freshwater fishing, saltwater fishing, hunting, or sportsman licensee, or boater safety identification cardholder, to be indicated on his or her identification card or driver license upon payment of an additional fee and presentation of the person's lifetime freshwater fishing, saltwater fishing, hunting, or sportsman's license, or boater safety identification card; providing a waiver of the replacement fee in certain circumstances, etc. Effective Date: 7/1/2016

HB 7027 Department of Transportation: Revising the minimum amount of funds that the department must request for the Florida Seaport Transportation and Economic Development Program; providing a specified penalty for drivers of commercial motor vehicles who obtain temporary registration permits entering the state at, or operating on designated routes to, a port-of-entry location; authorizing the department to establish a program that would assist small businesses; authorizing the department to establish a program that would assist small businesses; establishing the Florida Department of Transportation Financing Corporation, etc. Effective Date: July 1, 2016 Chapter No. 2016-181

2016 LEGISLATIVE UPDATE
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SB 936 Persons with Disabilities; Citing this act as the "The Wes Kleinert Fair Interview Act"; requiring the Department of Highway Safety and Motor Vehicles to issue an identification card exhibiting a special designation for a person who has a developmental disability under certain circumstances; requiring a law enforcement officer, correctional officer, or another public safety official to make a good faith effort, upon the request of a parent, a guardian, or the individual, to ensure that specified professionals are present at all interviews of an individual diagnosed with autism or an autism spectrum disorder, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect July 1, 2016

Administrative

SB 1104 Service of Process on Financial Institutions; Requiring service on financial institutions to be made in accordance with s. 655.0201, F.S.; revising applicability of provisions of law governing service of process on financial institutions; authorizing certain financial institutions to designate with the Department of State a place or registered agent within the state as the sole location or agent for service of process, notice, levy, or demand, etc. Effective Date: 1/1/2017 Chapter No. 2016-180

SB 1432 Service of Process; Expanding the locations at which substitute service of process may be made when such location is the only discoverable address for the person to be served; providing that orders issued by agencies of other states are not enforceable under certain circumstances, etc. Effective Date: 7/1/2016 Chapter No. 2016-207

HB 4009 Slungshot; Deletes provisions prohibiting manufacture or sale of instrument or weapon usually known as slungshot; revises definition of term "concealed weapon" to delete inclusion of slungshot; deletes provision prohibiting dealer in arms from selling or transferring slungshot to minor. Effective Date: March 24, 2016 Chapter No. 2016-106

HB 7013 Fish and Wildlife Conservation Commission; Revising penalties for violations of commission rules or regulations relating to control and management of state game lands; prohibiting certain possession of any marine turtle species or hatchling or parts thereof; providing a penalty for violations relating to possession of recreational hunting, fishing, and trapping licenses, permits, and authorization numbers; providing penalties for violations relating to filing reports and documents by persons who hold alligator licenses and permits; revising penalties for the illegal killing, possessing, or capturing of alligators or other crocodilia or their eggs, etc. Effective Date: July 1, 2016 Chapter No. 2016-107

Public Records

SB 7022 OGSR/Depictions or Recordings of the Killing of a Law Enforcement Officer; Amending provisions which provide an exemption from public records requirements for a photograph or video or audio recording held by an agency that depicts or records the killing of a person; narrowing the exemption to depictions or recordings of the killing of a law enforcement officer who was acting in accordance with his or her official duties; removing the scheduled repeal of the exemption, etc. Effective Date: 10/1/2016 Chapter No. 2016-214

SB 592 Public Records/Department of Financial Services/Emergency Medical Technicians or Paramedics; Providing an exemption from public records requirements for the personal identifying and location information of certain nonsworn investigative personnel of the Department of Financial Services and the names and personal identifying and location information of the spouses and children of such personnel; providing an exemption from public records requirements for certain identifying and location information of current or former emergency medical technicians or paramedics certified under ch. 401, F.S., and the spouses and children of such emergency medical technicians or paramedics, under specified circumstances; providing for future review and repeal of the exemptions; providing statements of public necessity, etc. Effective Date: March 30, 2016 Chapter No. 2016-159

SB 624 Public Records/State Agency Information Technology Security Programs; Creating exemptions from public records requirements for certain records held by a state agency which identify detection, investigation, or response practices for suspected or confirmed information technology security incidents and for certain portions of risk assessments, evaluations, external audits, and other reports of a state agency's information technology program; providing for future legislative review and repeal of the exemp-

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tions; providing statements of public necessity, etc. Effective Date: March 25, 2016 Chapter No. 2016-114

HB 293 Public Records/Juvenile Criminal History Records: Specifies that certain confidential information obtained under ch. 985, F.S., relating to juvenile justice, is exempt from public records requirements; revises applicability of public records requirements with respect to arrest records of certain juvenile offenders; authorizes records custodians to choose not to electronically publish specified arrest or booking photos of juveniles; provides for future review & repeal of such applicability provisions; provides exemption from public records requirements for juvenile information compiled by Criminal Justice Information Program from intra-state sources; provides exceptions; provides for future review & repeal of exemption; provides for release by FDLE of criminal history information of juvenile which has been deemed confidential & exempt; reenacts provisions; provides statement of public necessity. Effective Date: March 24, 2016 Chapter No. 2016-78

SB 182 Public Records and Meetings/Trade Secrets; Expanding public records exemptions for certain data processing software

HB 7071 Public Corruption; Revising the definition of the term "bribery"; revising requirements for prosecution; revising the prohibition against unlawful compensation or reward for official behavior to conform to changes made by the act; revising the prohibition against official misconduct to conform to changes made by the act; revising applicability of the offense to include public contractors; revising the prohibition against bid tampering to conform to changes made by the act, etc. Effective Date: October 1, 2016 Chapter No. 2016-151

Copies of bills can be downloaded from Online Sunshine at www.leg.state.fl.us

