

SEPTEMBER 2019

LAW ENFORCEMENT NEWSLETTER

A MESSAGE FROM BILL CERVONE STATE ATTORNEY

A recent issue of the FOP Journal focused on the growing problem of restoring and maintaining public trust in law enforcement. Clearly, that's an issue that impacts all of us. It seems like not a day goes by without national much less local attention on some alleged (or all too often real) misdeed by someone in uniform. Those of us in the field know that the truth of the matter is that even the undeniably bad incidents are small in number, but that a handful of bad acts can taint public perception no matter how many thousands of positive interactions we have with people every day. Those go unreported and too often unap-

preciated

One article in particular, written by a police psychologist named Jeff Bernstein who has worked as an officer, detective and supervisor for the Miami Beach Police Department, lists five common sense rules that everyone should consider. First, make sure we stop doing stupid things that end up on TV. Stop the act that is un-necessarily aggressive or appears to be born of frustration or anger, and you stop the bad image on someone's cellphone that ends up on TV. Stop yourself, and stop your partner. Save everyone. Second, don't get baited by people

who don't like police. They will taunt you, hoping for just what we can't do: react foolishly. You are a professional - act like it in the face of someone who is trying to push you into a bad decision. Third, give good customer service. Most people who call for help are decent folks who deserve it. And most people will talk about how the police treated them, good or bad. Why give them something they can claim was bad? Fourth, use social media effectively. Make sure your PIO or agency head knows about the good stuff happening on the streets. Trust me, they hear about the bad stuff (real or made up) and they'd appreciate some good news. Fifth, and this follows the last one, get the good body cam or cell phone video to the chain of command. As fast as media outlets will distribute the bad stuff, they will also always look for a feel good human interest story. Those happen every day. Why should we sit on them? Let the public get a balanced picture of what law enforcement does, even on routine shifts.

With thanks to the FOP Journal, these are areas that we can all think about and maybe use to our own advantage in doing our jobs better as well as in communicating who we really are to our communities.



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Www.sao8.org

REMINDER:
LAW ENFORCEMENT
NEWSLETTER NOW ON-LINE

The Law Enforcement Newsletter is now available on-line, including old issues beginning with calendar year 2000. To access the Law Enforcement Newsletter go to the SAO website at <www.sao8.org> and click on the "Law Enforcement Newsletter" box.



Any changes in agency email addresses should be reported to our office at
clendeninp@sao8.org.

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.

Continued: Message from State Attorney Bill Cervone

As we usually do in the Fall issue of the Legal Bulletin, much of what this issue contains will focus on new legislation. What follows is intended to draw your attention to, rather than provide details of, various legislative changes. Some, such as regarding the new value limits for theft related crimes, are obvious. Others, maybe not so much. Please check with the SAO or even better the actual language of the new statutes!

SAO STAFF CHANGES

ASA Ashley Chin has been reassigned to co-ordinate the SAO8 pre-arrest diversion program, which will expand from just Alachua County to all regional counties in October.

New to the office in Gainesville County Court are Andrew Fairbanks, who started on May 28th, Anna-Lisa Riley, who started on August 5th, and Jared Ciccarello, who started on August 12th. Both Andrew and Anna-Lisa have interned in the office over the last year or so and are University of Florida Law School grads. Jared comes to the SAO from the Barry University School of Law in Orlando.

Also new to the SAO after starting in August is Mark Dobo, who will be assigned to the Bradford County office. Mark has

been in private practice in Orlando for several years prior to moving to Gainesville and he fills the position previously held by ASA Brooke King, who has transferred to the Gainesville felony division. ASAs Pam Gordon and Lua Lepianka are now assigned to the Gainesville sex crimes unit. ASAs Ryan Nagel and Zou Doualehi have been promoted to the felony division to fill positions created by those transfers. Chief Assistant Jeanne Singer has assumed supervisory responsibilities for the sex crime unit, and ASA Sean Brewer has taken over as the head of the firearms prosecution unit.

ASA Jamie Whiteway leaves the office on September 6th for a position with the Statewide Prosecutor's Office in Miami.

Congratulations To...

ASA Ryan Nagel, who welcomed his second son, Jacob, on June 13th.

Deputy Chief Clay Connolly retires from the Williston Police Department on September 30th after over 30 years with WPD. Replacing Clay in that position will be Terry Bovaird, who comes to the agency from the Marion County Sheriff's Office, where he has served in many capacities, including Chief of Staff.



Santa Fe College Police Chief Ed Book and Officer Dawn Batie recognized ASA Jamie Whiteway with a Certificate of Appreciation on June 11, 2019, for her work in the prosecution of several individuals involved in burglaries and thefts of animals from the College's zoo.



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.

the word 'Florida' [was] not obscured.... Everything that needs to be identified [was] identifiable," even with the frame. The court granted the motion to suppress, "finding that the tag [was] not obscured as the law required for purposes of stopping a vehicle." The State appealed. The 4th D.C.A. affirmed the trial court's ruling.

Issue:

Was the license plate frame around the defendant's license plate "obscuring matter" over the words "MyFlorida.com" and "Sunshine State," thereby providing a legal basis for the traffic stop? **No.**

Obscured Tag 2019

Dylan Morris was operating his motor vehicle with a license plate frame that partially obscured the words "MyFlorida.com" and "Sunshine State." An officer conducted a traffic stop in reliance on sec. 316.605(1), F.S. requiring "...all letters, numerals, printing, writing, the registration decal," "...be clear and distinct and free from defacement, mutilation, grease, and *other obscuring matter*, so that they will be plainly visible and legible at all times 100 feet from the rear or front." The traffic stop resulted in the seizure of cocaine from the defendant's vehicle.

The State charged Morris with possession of cocaine, which was seized as a result of the stop. The defendant moved to suppress the cocaine, arguing that the traffic stop was invalid. The legal issue was whether the license plate frame around the defendant's license plate was "obscuring matter" over the words "MyFlorida.com" and "Sunshine State," thus providing a legal basis for the traffic stop.

The trial court ruled "that



Obscured Tag:

The key to the D.C.A.'s ruling was the 2017 amendment to the relevant statute. The previous iteration of 316.605(1) read, "...and all letters, numerals, printing, writing, *and other identification marks upon the plates regarding the word 'Florida,'* the registration decal, and the alphanumeric designation shall be clear and distinct and free from defacement, mutilation, grease, and other obscuring matter, so that they will be plainly visible and legible at all times 100 feet from the rear or front." While the current version of the statute omits the words, "*and other identification marks upon the plates regarding the word 'Florida,'*"

The Florida Supreme Court's ruling in *State v. Pena*, (Fla.2018), highlights the importance

of this change to the statute. The 1995 version of the statute did not make reference to the name of the state and the county at the top and bottom of the plate. Then in 2005 the legislature made its intent clear when it amended section 316.605(1) to define what it meant by "other identification marks." The 2005 amendment clarified that the "other identification marks" were those on the license plate "regarding the word 'Florida,' the registration decal, and the alphanumeric designation."

In *Pena* the Supreme Court noted, "Here, the suppression hearing evidence was undisputed that the word 'Florida' was obscured by the frame on Pena's tag. The word 'Florida' on Pena's tag was not clear and distinct and free from obscuring matter. In 2015, unlike the 1997 version of section 316.605(1) in [a prior case], obscuring of the word 'Florida' violated the tag-obstruction statute." "Because Pena's tag frame obscured the word 'Florida' at the top of the plate, he violated the 2015 version of section 316.605(1) and Detective had probable cause to stop Pena's car."

As noted above the current version of the statute has again eliminated reference to the word "Florida."

Court's Ruling:

"When reviewing a statute, we should first look to the actual language and its plain meaning. If the language is clear and unambiguous, we need not look behind it or resort to statutory construction to determine legislative intent. ...The statute's current version provides that, 'all letters, numerals, printing, writing, the registration decal, and the alphanumeric designation shall be clear

and distinct and free from defacement, mutilation, grease, and other obscuring matter, so that they will be plainly visible and legible at all times 100 feet from the rear or front.’ §316.605(1), Fla. Stat. (2017).”

“Here, all the letters and words on the license plate were visible within 100 feet. In fact, the officer who stopped the defendant testified in deposition that ‘he didn’t have any trouble’ reading the word ‘Florida.’ The trial court specifically found that ‘everything that needs to be identified is identifiable’ even with the frame. The trial court further suggested that if the legislature wanted to outlaw license plate frames, which are most often placed on the plates by auto dealers, it could have done so.”

“We agree with the trial court that the ‘letters, numerals, printing, writing, the registration decal, and the alphanumeric designation [were] clear and distinct and free from defacement, mutilation, grease, and other obscuring matter, so that they [were] plainly visible and legible at all times 100 feet from the rear or front.’ § 316.605(1), Fla. Stat. (2017). For this reason, we affirm.”

Lessons Learned:

The Supreme Court made the following observation at the conclusion of the *Pena* opinion:

“We share the fifth district and the trial court’s concern that license plate rims and frames are ‘a common practice of long-standing among the citizens of our state’; ‘are frequently supplied by car dealers’; and ‘many otherwise law abiding citizens install them specifically to show allegiance to a club, fraternity, college or sports team or, as a means of other self-expression.’ But the

legislature gets to make the laws that govern our public roads and highways, see *Green v. Pederson*, (Fla. 1957) (‘The Legislature, under its police power to protect the public from dangerous instrumentalities using the highways, has imposed rigid restraints, regulations, and restrictions upon the use of motor vehicles.’), and it has done so clearly and unambiguously by prohibiting the obscuring of the word ‘Florida’ on state license plates.”

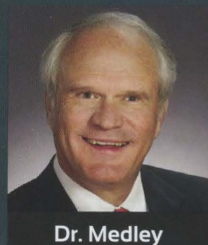
By eliminating a reference to the word “Florida” in the current iteration of the statute the legislative intent is once again obvious. A license plate frame cover that partially obscure “Florida” and county designation is no longer a valid cause to effect a traffic stop.

State v. Morris
4th D.C.A.
(April 24, 2019)

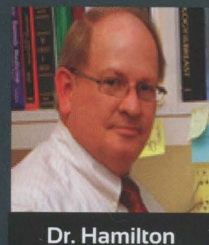
A Note from our Editor

Interview with the Medical Examiner

An Interview by Scott Medley, MD with William Hamilton, MD.



Dr. Medley



Dr. Hamilton

I have known Dr. Bill Hamilton for almost 40 years. In 1981, the same year I established my private medical practice at Gainesville Family Physicians, Bill was appointed by Governor Bob Graham as the Medical Examiner for Florida's Eight District (Alachua, Baker, Bradford, Gilchrist, Levy and Union counties. Later, Dixie County from the third Judicial Circuit contracted with Dr. Hamilton's office to provide medicolegal death investigation services.) Dr. Hamilton has served as Medical Examiner for an astounding 38 years. During that amazing tenure he has gained the high respect, trust, and admiration of the legal, law enforcement and medical communities. Even though he is very busy, Bill was gracious enough to sit down with me for this interview.

Editor (Dr. Scott Medley): What were your career aspirations when you were in medical school?

Dr. Hamilton: Early in medical school a professor asked me in what field of medicine would I make my career. I responded that I'd like to do either Family Practice or Pathology. The professor was rather taken aback and said those are very different fields. I responded that they were actually quite similar specialties in that they covered the broadest range of medical problems.

Editor: When did you develop an interest in pathology in general and Forensic Pathology in specific?

Dr. Hamilton: Forensic Science has always fascinated me. Early in medical school at the University of Miami I was fortunate enough to spend a few weekend days with Dr. Joe Davis at the Dade county Medical Examiner's Office, which at the time was conveniently located adjacent to the Emergency Department of Jackson Memorial Hospital. I liked the fact that autopsies quickly established answers concerning cause and manner of death and elucidated the nature of contributing factors such as concurrent diseases, disabilities due to previous injury, and chemical intoxication. I also recognized the fact that Forensic medicine was a very under-served Medical specialty. Even now, there are only about 500 practicing Forensic Pathologists in the United States, and half of the Fellowships go unfilled every year.

Editor: You were appointed Medical Examiner in 1981. How often are you reappointed?

Dr. Hamilton: I am reappointed every three years.

Editor: If my math is correct, that means you have been

reappointed some 12 times.

Dr. Hamilton: That sounds about right. We serve at the pleasure of the Governor. The Medical Examiner Commission recommends reappointment after the State Attorney, the Public Defender, Law Enforcement Chiefs, County Commissioners, and Funeral Directors in the District have been questioned as to the performance of their Medical Examiner.

Editor: I understand that you moved offices four times... and thank you for giving me a tour of these impressive new offices.

Dr. Hamilton: Yes, these offices are quite an improvement. I'm sure you remember, Scott, when our first location was in the basement of Alachua General Hospital. We've come a long way!

Editor: About how many autopsies have you performed in your career?

Dr. Hamilton: I'm sure it's over 10,000. This past year we did 594 autopsies and completed 777 death investigations. I have two associate Medical Examiners to assist me. Office staff includes an administrative assistant, 3 death investigators, one investigations supervisor, 2.5 autopsy technicians and a chief of operations.

Editor: As you know, we have done a series of articles in House Calls about the opioid crisis and resulting deaths from it. Do you think that is part of the reason for the increased number of autopsies you had last year?

Dr. Hamilton: Drug-related deaths of all sorts have increased. In addition to opioids, including fentanyl and fentanyl analogs, we are seeing the usual spectrum of alcohol, cocaine, methamphetamine, synthetic cannabinoids and mixed drug intoxications.

Editor: About how long can a body wait for an autopsy?

Dr. Hamilton: Autopsies are done as soon as possible after facts concerning the circumstances surrounding death have been gathered. Florida Statute 406 requires investigation of deaths due to homicide, suicide, accident, deaths in prison or in police custody, deaths due to poisoning, Public health hazards, occupation, sudden and unexpected death when in apparent good health, deaths

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MEDICAL EXAMINER

under suspicious and unusual circumstance and deaths that occur without attendance by a recognized medical practitioner. We are also required to review death certificates when a body is to be cremated, dissected or buried at sea. It is not always obvious to busy medical practitioners that a death should be reported to the medical examiner, e.g., if an elderly person falls and breaks a hip and then dies shortly afterward in the hospital with a terminal pneumonia, it is probably an accidental death.

Editor: What if the family objects to an autopsy?

Dr. Hamilton: We honor family wishes if possible. Some religious traditions have strong objections to autopsy examination and want bodies released as soon as possible. If there are no significant third party rights at stake, we honor their wishes even if it means that important questions remain unanswered. In the case of homicide, autopsy is usually considered mandatory to provide evidence for criminal litigation. We consult with the State Attorney before proceeding with postmortem examination against family objection.

Editor: I understand that a person's death is a matter of public record. Are autopsy findings confidential?

Dr. Hamilton: Reports of Medical Examiner investigation are a matter of public record. However, some autopsy reports and all autopsy photographs are protected by special statutes or court order.

Editor: About how often do you perform a death investigation?

Dr. Hamilton: This is a team effort. I have a great team of investigators who do most of the death investigations, but they always call me when needed and I always go to the scene if they request it. A ME is always available on weekends here. That's not the case everywhere.

Editor: You were highly involved with the investigation of the "student murders" when five students were viciously murdered here in 1990. That must have been one of the most challenging times in your career.

Dr. Hamilton: The student killings produced challenging times for the University of Florida and for the entire Gainesville-Alachua county community. Serial killer investigations are solved by cooperative efforts between law enforcement agencies, medical examiners, the legal system and by valuable information from private citizens and the community at large. It takes a lot more shoe leather than sophisticated scientific sleuthing to solve a major crime (or even a minor one).

Editor: Anything you'd like to add about autopsies?

Dr. Hamilton: Something that people don't always think about, is that this person may have a funeral with an open casket. We try to leave the body in good viewable condition, and assist funeral directors by leaving large vessels intact

and accessible for embalming.

Editor: We're always hearing about a "coroner's case". What's the difference between a Medical Examiner and a coroner?

Dr. Hamilton: A Medical Examiner is always a physician—M.D. or D.O. Fortunately, throughout the state of Florida, we only have Medical Examiners.

Editor: Do some localities still "elect" coroners without respect to their education and training?

Dr. Hamilton: A number of states still have elected coroners who have widely varying qualifications for death investigation. In some jurisdictions popular vote is the only qualification needed to become the coroner. At the other end of the spectrum are the qualified coroner systems which require medical or legal education before one may be elected or appointed as the coroner.

Editor: We hear that toxicology tests may take several weeks. Why is that?

Dr. Hamilton: Not every lab test is done every day. Some of these tests are quite sophisticated, and the tests may be "batched" and only done every week or so. We try to get the results as soon as we can. A variety of body fluids and tissues may be submitted for chemical analysis. The results are then correlated with circumstances surrounding death and autopsy findings.

Editor: When I was in Private Practice, I would receive calls from Law Enforcement asking me if I would sign the Death Certificate for one of my patients who died outside the hospital, stating that the patient died of "natural causes" so that an autopsy could be avoided. Was this a good idea?

Dr. Hamilton: It is standard practice. If a patient has one or more potentially lethal clinical conditions and if the circumstances of death are natural, it is entirely appropriate to certify death as being due to the natural disease most likely to have caused it, e.g., ischemic heart disease, chronic obstructive lung disease, cirrhosis of liver, etc. Mechanisms of death such as cardiac arrest, respiratory arrest, acute renal failure, multisystem organ failure, etc., must be further qualified so as to specify the underlying organic disease leading to the fatal pathophysiologic derangement.

Editor: About how often must you appear in Court to testify? Is that difficult for you, or are you used to it?

Dr. Hamilton: About half a dozen times a year I must appear personally. It doesn't bother me. I just remember to always tell the truth, and that I am a neutral party between the prosecuting and defending attorneys. Over the years, I have actually developed cordial relationships with many attorneys on both sides.

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32 HOUSE CALLS

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Editor: Lately, there seems to be a surge in public interest in Forensic Pathology due to TV shows like CSI, etc. Any opinions about that?

Dr. Hamilton: The goal of the producers, directors and actors on these shows is to construct scenarios that manipulate emotions, create special effects and further political agendas. They do not depict "Forensic Science" but "Forensic Science Fiction." They solve every case within the allotted one hour time frame with the assistance of a laboratory technician who can complete every conceivable laboratory test during that same time.

Editor: You have been the Medical Examiner here for an amazing 38 years. About how much longer do you plan to serve in this position?

Dr. Hamilton: I still enjoy what I do. I have a great team, and every day is different...I never know what to expect. I'm at the beginning of a new 3-year cycle, so we'll see what happens after that.

Editor: Can you tell us about some of your most interesting cases?

Dr. Hamilton: Every case is interesting. I have always had an interest in trauma and we see a lot of it. We also see an amazing variety of natural diseases. The rare and unusual

seem to occur with incredible frequency. Continuing education is an everyday occurrence and not confined to seminars and professional society meetings.

Editor: Anything else you'd like to add?

Dr. Hamilton: The lead dog may have the best view, but without the team behind him he would not go very far. We are extremely grateful for the help we routinely receive from our medical colleagues at UFCOM and in the communities that we serve. A large debt of gratitude is due the Forensic chemists at UF Pathology Forensic Toxicology laboratory and to the Forensic Anthropology team at the C.A. Pound Identification Laboratory. Law enforcement agencies, the Department of Corrections and the members of the legal community are valuable members of our extended "team" dedicated to the goal of ascertaining and evaluating all of the pertinent issues that arise in a public death investigation. Also, if I had it to do all over again, I would do it exactly the same way.

Editor: Well I can certainly understand that...it sounds like you've had, and are still having, a fascinating career. Thank you so much for your time.

Dr. Hamilton: Thank you!

[ARTICLE RE-PRINTED WITH THE PERMISSION OF AND THANKS TO THE ALACHUA COUNTY MEDICAL SOCIETY]

[ARTICLE RE-PRINTED WITH THE PERMISSION OF AND THANKS TO THE 15TH CIRCUIT STATE ATTORNEY'S OFFICE]

Police Suicide

The estimated number of law enforcement officers who died by suicide outnumbered those who died in the line of duty for the third straight year in 2018, a newly released study shows. Blue H.E.L.P., a Massachusetts-based nonprofit run by active and retired police officers,

Law Enforcement Suicides and Line of Duty Deaths 2016-2018

Suicide source: bluehelp.org

LODD source: odmp.org

	2016	2017	2018
Suicide	140	159	159
9/11 related illness	12	9	14
Accidental	0	0	1
Aircraft accident	1	2	0
Animal related	1	1	0
Assault	3	6	3
Automobile crash	20	28	26
Boating accident	0	2	0
Drowned	2	5	4
Duty related illness	1	3	4
Exposure to toxins	0	1	0
Fall	1	0	1
Gunfire	64	45	52
Gunfire (Accidental)	3	0	1
Heart attack	16	16	17
Motorcycle crash	8	4	3
Stabbed	1	1	0
Struck by train	1	0	2
Struck by vehicle	10	4	6
Training accident	1	0	0
Unidentified	0	1	0
Vehicle pursuit	4	5	6
Vehicular assault	13	6	8

medical professionals and victims' families, compiled and released the grim data this week.

According to the organization, at least 159 officers took their own lives in 2018 — the same number of suicide fatalities it tracked in 2017 and 19 more than in 2016.

By contrast, the estimated number of law enforcement officers who died in the line of duty last year was 145, according to an annual report released by the National Law Enforcement Officers Memorial Fund.

The good news is there is help. Taking the first step can include reaching out to a peer support team or chaplain, connecting with an EAP program, or contacting a confidential helpline. American Addiction Centers operates a 24/7 confidential law enforcement helpline at 855-997-6542.

See also: "The Greatest Loss: Police Suicides." PoliceOne.com, June 7, 2019, by Richard Fairburn.

"Supervisors should be especially alert for warning signs of possible suicide in their team that include a change in behavior, attitude or performance. Unfortunately, good police officers are experts at hiding their emotions, so only a partner or very close co-worker may see the warning signs."



[WITH THANKS TO 17TH CIRCUIT ASA MONICA HOLFELTZ]



2019 LEGISLATIVE UPDATE

Monica M. Hofheinz

Assistant State Attorney/Executive Director

17th Judicial Circuit

Criminal Justice Reforms

HB 7125 Public Safety

Omnibus criminal justice legislation that creates & revises numerous provisions such as;

- Increasing thresholds for felony theft offenses to \$750, increases the period for aggregating amounts, increases felony theft of state funds and obtaining food or lodging with intent to defraud to \$1,000;
- Substantial amendments to DWLS limiting many of the non-driving related suspensions; creates a definition for 'suspension or revocation equivalent status' a person who does not have a DL or driving privilege, but still meets the criteria for suspension or revocation of their license or privilege. Requiring each Clerk of Court to establish Driver's License Reinstatement Days;
- Raises the threshold for Trafficking in Hydrocodone from 14g to 28g;
- Expands eligibility of pretrial drug court;
- Amends sentencing for Youthful Offenders to date of offense;
- Repeals all Mandatory Direct file of Juveniles provisions;
- Abolishes mandatory sentence for the sale, purchase or possession of horse meat;
- Amending Prison Releasee Reoffender definition to include release from a county detention facility; amends definition of Escape;
- Amends Cybercrimes to include acts of 'exceeding authorization' and criminalizes unauthorized access;
- Amends Lewd & Lascivious Exhibition to include exhibition in the presence of an employee in a county detention facility;
- Amends Introduction of Contraband into a County detention facility;

- Substantial amendments to the Sealing and Expungement of criminal history records, creating an automatic sealing process and a new section for a lawful self-defense expunction;
- Substantial amendments to Probation and Community Control provisions; amends s. 948.06, F.S. to require each circuit create an 'Alternative Sanctioning Program' (ASP), that allows DOC to enforce technical violations to avoid court process, arrest, jail crowding. Authorizes the Chief Judge, in consultation with the SA, PD and DOC, to establish the criteria for the ASP. Creates a mandatory modification, rather than revocation for first time, low risk technical violators; caps jail time for first time, low risk technical violators; creates a mandatory early termination or conversion to administrative probation under certain circumstances; and more;
- Clarifies the new reporting for the Criminal Justice Data Transparency mandate to create uniform collection of data in each judicial circuit, creates definitions for data elements, felony caseloads, uniform case numbers and more. Requires FDLE to assist with Criminal and Juvenile Justice Information Systems Counsel to develop specifications, by October 1, 2019, for a uniform arrest affidavit, uniform criminal charge and disposition statute crosswalk table and uniform criminal disposition and sentencing statute crosswalk table to be used by each state, county and municipal law enforcement agency, jail administrators, clerk of courts and other stakeholders in the criminal justice system. By January 2020, FDLE must procure the crosswalk tables and by July of 2020 each stakeholder must utilize the uniform arrest affidavit and crosswalk table;
- Creates Community Courts in each Judicial Circuit;
- Amends laws prohibiting attorneys' fees in domestic violence proceedings for repeat violations, sex and dating violations, or stalking injunction proceedings unless court finds, by clear and convincing evidence, that petitioner knowingly made false statements;
- Establishes the Task Force on the Criminal Punishment Code under the Department of Legal Affairs for the purpose of reviewing, evaluating and making recommendations regarding sentencing.
- Except for Juvenile reporting provisions, Effective Date: October 1, 2019

Controlled Substances

HB 0595 Alcohol or Drug Overdose Prosecutions

Creates s.562.112, F.S. and s.893.21, F.S. to prohibit the arrest, charge, prosecution, or penalty of a person acting in good faith who seeks medical assistance for an individual experiencing, or believed to be experiencing, an alcohol-related or drug-related overdose or for himself or herself, even if this was the person who gave the alcohol to an individual under 21, if the evidence was obtained as a result of the person's seeking medical assistance; also may not be penalized for a violation of a condition of pretrial release, probation, or parole; prohibits this protection from being grounds for suppression of evidence in other prosecutions. Effective Date: July 1, 2019. Approved by Governor; Chapter No. 2019-81

SB 0182 Medical Use of Marijuana

Amends the term 'medical use' in s.381.986 (1) (j), F.S., to delete the prohibition against the possession, use or administration of marijuana in a form of smoking. Provides that a "marijuana delivery device" for smoking may be purchased from a vendor other than a medical marijuana treatment center; medical marijuana must still be medically certified for use and prescribed by an authorized physician. There are specific limitations to supplies, packaging and locations; smoking marijuana is prohibited outdoors. Requires a qualified physician submit specified documentation to the Board of Medicine and the Board of Osteopathic Medicine upon determining that smoking is an appropriate route of administration for a qualified patient, other than a patient diagnosed with a terminal condition, etc. Effective Date: 3/18/2019 Approved by Governor; Chapter No. 2019-001

SB 1020 State Hemp Program

Creates s.581.217, F.S., a state hemp program within the Department of Agriculture and Consumer Services to regulate the cultivation of hemp. Amends s.893.02 (3), F.S., to remove hemp from the definition of cannabis. Hemp is defined in s.581.217 as the plant *cannabis sativa* L. and any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers thereof, whether growing or not, that has a total delta-9 tetrahydrocannabinol concentration that does not EXCEED 0.3% on a dry weight basis.

Problem: Current field tests detect the presence of THC and do not measure the quantitative amount to determine whether the product is actually hemp or cannabis for probable cause to make an arrest. FDLE currently has no means to quantitate the THC percentage in distinguishing hemp from cannabis and so far none of the Sheriff's labs have this ability either. They can test for CBD and THC but not the quantitative test needed to distinguish the difference. Effective Date: 7/1/2019. Approved by Governor; Chapter No. 2019-132.

HB 7107 Controlled Substances

Amends s.893.02(3) F.S. and s.893.03(5) (d), F.S. to schedule Epidiolex, a prescription drug containing cannabidiol to Schedule V. Epidiolex is used to treat seizures in adults and children afflicted with certain syndromes. FDA approved it for use, DEA rescheduled to V and Florida AG rescheduled by emergency rule. Effective Date: upon becoming a law

HB 0369 Substance Abuse Services

Amends multiple sections of Chapter 397 to further regulate Recovery Residences also known as 'Sober Homes'. Authorizes DCF & AHCA to grant exemptions from disqualification for service provider personnel to work in certain treatment programs, facilities, or recovery residences; revises background screening requirements & exemptions from disqualification for certain service provider personnel; provides qualifications for peer specialists; provides certain prohibitions & penalties. Effective Date: 7/1/2019

HB 0375 Prescription Drug Monitoring Program

Amends s.893.055, F.S. to authorize DOH to enter into reciprocal agreements to share prescription drug monitoring information with specified federal agencies; exempts from requirement to check patient's dispensing history the prescribing of or dispensing controlled substance to patients admitted to hospice for alleviation of pain related to terminal condition or

to patients receiving palliative care for terminal illnesses. Effective Date: July 1, 2019. Approved by Governor; Chapter No. 2019-70

HB 0451 Nonopioid Alternatives

In order to combat the abuse of opioids and drug overdoses s.456.44, F.S., is amended to require DOH to develop & publish on its website educational pamphlet regarding use of nonopioid alternatives for treatment of pain. Effective Date: July 1, 2019. Approved by Governor; Chapter No. 2019-123

HB 1253 Prescription Drug Monitoring Program

Currently Florida's Attorney General (AG) has access to the PDMP for Medicaid Fraud cases. In order for the AG to have broader access for other civil or criminal cases (such as Opioid Litigation) patient information needs to be protected. The amendments in HB 1253 require DOH to develop a unique identifier for each patient. The AG will then be authorized to access the de-identified patient information; authorizes AG to introduce as evidence in certain actions specified information from prescription drug monitoring program; authorizes certain individuals to authenticate records; provides that certain information may only be released pursuant to discovery request. Effective Date: July 1, 2019. Approved by Governor; Chapter No. 2019-127

SB 0910 Veteran's Court-ordered Treatment Programs

Expands eligible applicants to Veteran's Court-ordered programs, pretrial intervention programs and Service Members court programs for certain military veterans who are discharged or released under any conditions; includes those who are current or former United States Department of Defense contractors and individuals who are current or former military members of a foreign allied country. Effective Date: 10/1/2020. Approved by Governor; Chapter No. 2019-61

Domestic Violence/Human Trafficking

HB 0563 DV Victims Unemployment Compensation

Amends s.443.101, F.S., to prohibit certain victims of domestic violence from being disqualified for unemployment compensation for voluntarily leaving employment if he or she can prove that their discontinued employment is a direct result of circumstances related to domestic violence as defined by s.741.28. Effective Date: 7/1/2019. Approved by Governor; Chapter No. 2019-80

HB 0851 Human Trafficking

Creates a direct-support organization within the Department of Legal Affairs to provide for training and education of law enforcement and employees of certain establishments. Requires specified licensees or certificate holders to post human trafficking public awareness signs in place of work; provides penalties; requires Department of Law Enforcement to establish a Soliciting for Prostitution public database with procedures for appropriate deletions. Creates a misdemeanor offense for Adult Theatre owners and operators who fail to obtain proof of identity and age of its employees or independent contractors and maintaining these records. Effective Date: July 1, 2019. Approved by Governor; Chapter No. 2019-152

Lewd and Lascivious & Other

SB 0160 Prohibited Acts in Connection with Obscene or Lewd Materials

Amends s.847.011, F.S., to prohibit a person from knowingly selling, lending, giving away, distributing, transmitting, showing, or transmuting an obscene child-like sex doll; or offering to commit such actions; having in his or her possession, custody, or control with the intent to commit such actions; or advertising in any manner an obscene child-like sex doll; providing criminal penalties, etc. Effective Date: 10/1/2019. Approved by Governor; Chapter No. 2019-45

SB 0828 Lewd or Lascivious Exhibition

Amends s.800.09, F.S., prohibiting certain lewd or lascivious acts in the presence of any person employed at or performing contractual services for a county correctional facility. Effective Date: 7/1/2019. Approved by Governor; Chapter No. 2019-50

SB 1136 Cyberharassment

Amends s.784.049, F.S., to redefine the terms "personal identifying information" and "sexually cyberharass" which is publishing through the use of internet websites or electronic means, to another, a sexually explicit image of a person that contains or conveys the personal identification information; a person retains right of privacy despite sharing their image with another such as an intimate partner, providing criminal penalties, etc. Effective Date: 7/1/2019. Approved by Governor; Chapter No. 2019-53

SB 1080 Hazing

Amends s.1006.63, F.S. to expand the crime of hazing, a third degree felony, to include when a person solicits others to commit hazing or is actively involved in the planning of hazing upon another person who is a member or former member and the hazing results in permanent injury etc., expands the definition of hazing to include the perpetuation or furtherance of a tradition or ritual, etc. Creates a new subsection titled 'Andrew's Law' to exempt from prosecution a person who is present at the event and who takes specific action to seek emergency assistance under certain conditions. Effective Date: 10/1/2019. Approved by Governor; Chapter No. 2019-133

HB 1021 DNA Database

Amends s.943.325 (1) (b), F.S., to establish Legislative intent that a DNA database match may be probable cause for seeking an arrest warrant (already established for a search warrant). Effective Date: July 1, 2019. Approved by Governor; Chapter No. 2019-91

Law Enforcement

SB 0096 Police, Fire, and Search and Rescue Dogs and Police Horses

Amends s.843.19, F.S. to increase the penalty to a second degree felony for intentionally and knowingly causing great bodily harm, permanent disability, or death to, or using a deadly weapon upon, police canines or horses, fire canines, or SAR (Search and Rescue) canines, etc. Effective Date: 10/1/2019 Approved by Governor; Chapter No. 2019-009

HB 0487 Carrying of Firearms by Tactical Medical Professionals

Amends s.790.25, F.S., to exempt a 'tactical medical professional' (paramedic, a physician, or an osteopathic physician), who is actively operating in direct support of a tactical operation by a law enforcement agency from specified provisions concerning the carrying of firearms; requiring certain policies and procedures for law enforcement agencies; providing such professionals have no duty to retreat in certain circumstances. Effective Date: 7/1/2019. Approved by Governor; Chapter No. 2019-77

HB 0168 Federal Immigration Enforcement

Creates Chapter 908 F.S., Federal Immigration Enforcement that prohibits sanctuary policies; requiring state entities, local governmental entities, and law enforcement agencies to use best efforts to support the enforcement of federal immigration law; creates duties related to immigration detainers for the law enforcement agency that has custody of a person subject to and immigration detainer, authorizing a law enforcement agency to transport an alien unlawfully present in the United States under certain circumstances; requires judges to coordinate the sentence of a defendant who is the subject of an immigration detainer to facilitate the transfer of the defendant into federal custody; etc. Effective Date: Section 908.107, F.S, shall take effect October 1, 2019, and, except as otherwise expressly provided in this act, this act shall take effect July 1, 2019. Approved by Governor; Chapter No. 2019-102.

Drivers & Motor Vehicles

HB 0611 Motor Vehicle Racing

Amends s.316.191, F.S. and s.901.15, F.S. to authorize law enforcement to arrest a person without a warrant upon probable cause that person committed a criminal 'racing on highways' violation. Effective Date: July 1, 2019. Approved by Governor; Chapter No. 2019-125

HB 0107 Wireless Communications While Driving

Florida has banned texting while driving since 2013 but it was limited to a secondary offense. This bill amends s.316.305, F.S. to allow the enforcement as a primary offense. All existing penalties and exceptions remain the same. Prohibits law enforcement from accessing device without a warrant or confiscating devices. Requires law enforcement to record race and ethnicity of the violator which must be annually reported to Governor, Speaker and Senate President. Also creates s.316.306, F.S., to prohibit the use of handheld wireless communication devices while driving in a designated school crossing zone or work zone area. Warnings may be provided until January 2020 and then law enforcement may issue citation. Effective Date: July 1, 2019. Approved by Governor; Chapter No. 2019-44

HB 0311 Autonomous Vehicles

Amends multiple sections of Chapter 316 to no longer require the operator of an autonomous vehicle possess a valid DL and provides that the automated driving system, rather than the person, is deemed the operator when the automated driving system is engaged. Includes other amendments relating to insurance coverage and exceptions for reporting crashes. Revises

registration requirements and provides for uniformity of laws governing autonomous vehicles. Effective Date: July 1, 2019. Approved by Governor; Chapter No. 2019-101

HB 0341 Motor Vehicles and Railroad Trains

Amends s.316.003 and s.316.068, F.S. to differentiate the definition of passengers for the purpose of investigation a crash involving railroad train, collection of certain information to be at the discretion of law enforcement agency having jurisdiction to investigate crash; revises information required to be contained in crash report; specifies that certain persons are not considered passengers for purpose of making crash reports; requires member of railroad train crew to furnish certain information. Effective Date: July 1, 2019. Approved by Governor; Chapter No. 2019-69

HB 0453 Micromobility Devices

Amends multiple sections of Chapter 316 to regulate the operation of micromobility devices and motor scooters; provides that operator has all rights & duties applicable to rider of bicycle; provides that person is not required to have valid driver license to operate micromobility device; authorizes parking on sidewalk; etc. Effective Date: June 18, 2019. Approved by Governor; Chapter No. 2019-109

Marjory Stoneman Douglas HS Public Safety Responses

SB 7030 Implementation of Legislative Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission

Amends s.843.08, F.S., to include a school guardian and security officer (formerly 'watchmen') in the criminal offense of false personation. Requiring sheriffs to establish a school guardian program or contract with another sheriff's office that has established a program under a certain condition; mandates the convening of a School Hardening and Harm Mitigation Workgroup; establishes the Statewide Threat Assessment Database Workgroup; requiring the Office of Safe Schools to annually provide training for specified personnel; requiring district school boards and school district superintendents to partner with security agencies to establish or assign safe-school officers; revising requirements for school district zero-tolerance policies; requiring the Florida Safe Schools Assessment Tool (FSSAT) to be the primary site security assessment tool for school districts, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect 05/08/19. Approved by Governor; Chapter No. 2019-22

SB 0186 Public Records/Victim of Mass Violence

Transfers s.406.136, F.S. to s.119.071 F.S., General Exemptions for public records. Makes confidential and exempt any photographs, video or audio recordings that depict or record the killing of a victim of mass violence. Defines the term "killing of a victim of mass violence" as events that depict either a victim being killed or the body of a victim killed in an incident in which 3 or more persons, not including the perpetrator, are killed by the perpetrator of an intentional act of violence. Retroactive application. Exempts criminal or administrative proceedings. Effective Date: 5/23/2019. Approved by Governor; Chapter No. 2019-46

SB 1418 Mental Health

Amends sections of Chapter 394 and 490, to provide for the release of clinical records to law enforcement when a patient has communicated a specific threat to cause serious bodily injury or death to an identified or readily available person and the service provider (psychologist, psychiatrist) reasonably believes that the patient has the apparent ability and intent to act on their threat; revising responsibilities of the Department of Education and the Statewide Office for Suicide Prevention, etc. Also contains amendment to s.394.917, F.S., under Ryce Civil Commitment procedures to include the requirement that DCF provide for the rehabilitation of criminal offenders in their treatment facilities. Effective Date: 7/1/2019. Approved by Governor; Chapter No. 2019-134

Courts, Statutes and Restoration of Voting Rights

SB 1656 Criminal Statutes

Creates s.775.022, F.S. to provide a general savings statute for criminal statutes. Establishing Legislative intent that an act of the Legislature, reenacting or amending a criminal statute, not be considered a repeal or an implied repeal of such statute for the purposes of s.9, Art. X of the State Constitution. Specifying that the reenactment or amendment of a criminal statute operates prospectively and does not affect or abate specified circumstances; providing that a reference to any other chapter, part, section, or subdivision of the Florida Statutes in a criminal statute or a reference within a criminal statute constitutes a general reference under the doctrine of incorporation by reference, etc. Effective Date: 6/7/2019. Approved by Governor; Chapter No. 2019-63

HB 7081 State Court System

Amends s.25.386 and s.44.106, F.S., to require an applicant for certification as a foreign language interpreter or mediator submit a full set of fingerprints as part of their security background investigation; authorizes electronic records and fingerprints of criminal judgments; provides disqualification factors for parenting coordinators and authorizes disclosure of certain testimony or evidence in parenting coordinator procedures; revises provisions relating to judicial retirement. Effective Date: 7/1/2019. Approved by Governor; Chapter No. 2019-98.

SB 7066 Election Administration

Amends statutes affecting election laws, provisional ballots, vote-by-mail ballots and voter registration. Creates s.98.0751, F.S. Restoration of Voting Rights for convicted felons. Requires the completion of all terms of a sentence that is contained in the four corners of the sentencing document including the full payment of restitution, full payment of all fines and fees and that all financial obligations have been met. Requiring the supervisor of elections of the county in which an ineligible voter is registered to notify the voter of instructions for seeking restoration of voting rights pursuant to s. 4, Art. VI of the State Constitution, in addition to restoration of civil rights pursuant to s. 8, Art. IV of the State Constitution. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect July 1, 2019

HB 5011 Courts

Allows Supreme Court justices to designate a facility in their home district as their official headquarters which will be limited to private chambers; provides for travel and sustenance reimbursement when working in Supreme Court Building in Tallahassee; adds a circuit judge to the 9th and 12th Judicial Circuits and a County Judge to Citrus and Flagler County. Effective Date: July 1, 2019. Approved by Governor; Chapter No. 2019-95

Child Welfare

SB 0262 Child Welfare

Amends multiple sections of Chapter 39 to provide for the name of a child's guardian ad litem or attorney ad litem to be entered on court orders in dependency proceedings; requiring cooperation between certain parties and the court to achieve permanency for a child as soon as possible; requiring the court during an adjudicatory hearing to advise parents in plain language of certain requirements to achieve permanency with their child, etc. Effective 10/1/2019. Approved by Governor; Chapter No. 2019-128

HB 7099 Child Welfare

Amends multiple sections of Chapter 39 to provide new reporting requirements for child abuse and neglect related to children who are being treated in public facilities such as a state medical facility; reduces the time a court must conduct a review of placement from 3 months to 60 days; addresses young adults and continuing foster care programs; directs department to establish a direct-support organization to assist the Children and Youth Cabinet. Effective Date: July 1, 2019. Approved by Governor; Chapter No. 2019-142

SB 0124 Dependent Children

Amends s.744.1097, F.S. specifying the venue in proceedings for the appointment of a guardian for a child or young adult who has been adjudicated dependent. Amends s.985.43, F.S., authorizing a court to receive and consider any information provided by the Guardian Ad Litem Program and the child's attorney ad litem if a child is under the jurisdiction of a dependency court, etc. Effective Date: 4/26/2019 Approved by Governor; Chapter No. 2019-010

Public Records

SB 0838 Public Records/Mental Health Treatment and Services

Creates s.394.464, F.S., to make confidential and exempt from public records requirements petitions for voluntary and involuntary admission for mental health treatment, court orders, related records, and personal identifying information regarding persons seeking mental health treatment and services; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. Effective Date: 7/1/2019. Approved by Governor; Chapter No. 2019-51

HB 0281 Public Records/Voters and Voter Registration

Amends s.97.0585, F.S., to make confidential and exempt from public records requirements information related to voter registration applicant's or voter's prior felony conviction and his or her restoration of voting rights; provides exemption from public records requirements for information concerning preregistered voter registration applicants who are 16 or 17 years of age; provides for future legislative review & repeal; provides for retroactive application; provides statements of public necessity. Effective Date: July 1, 2019. Approved by Governor; Chapter No. 2019-55

SB 0318 Public Records/Child Abuse, Abandonment, or Neglect

Amends s.39.202, F.S., prohibiting the release of any identifying information with respect to any person reporting child abuse, abandonment, or neglect, except under certain circumstances; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. Effective Date: 7/1/2019. Approved by Governor; Chapter No. 2019-49

SB 0248 Public Records/Civilian Personnel Employed by a Law Enforcement Agency

Amends s.119.071, F.S., to create an exemption from public records requirements for active or former civilian personnel employed by a law enforcement agency, and of spouses and children of such personnel. Creates a definition of the term "home addresses" for purposes of public records exemptions that expands it to include various location information including both physical addresses, parcel ID's., plot ID's, legal descriptions and more. Effective Date: 7/1/2019 Approved by Governor; Chapter No. 2019-012

HB 0845 Public Records/ Petition for Certain Protective Injunctions

Amends s.119.0714, F.S., to provide an exemption from public records requirements for information used to identify petitioner or respondent in a petition for an injunction against domestic violence, dating violence, stalking, cyberstalking and any related affidavits, notice of hearing and temporary injunction, until respondent has been personally served; provides statement of public necessity. Effective Date: July 1, 2019 Approved by Governor; Chapter No. 2019-39

HB 7023 Public Records/Financial Disclosure

Provides exemptions from public records requirements for secure login credentials held by Commission on Ethics & certain information entered into electronic filing system for financial disclosure forms; specifies conditions under which such information is no longer exempt; provides for future legislative review & repeal of exemption; provides statement of public necessity. Effective Date: June 7, 2019. Approved by Governor; Chapter No. 2019-40

HB 7025 OGSR/Treatment-based Drug Court Programs

Removes scheduled repeal of exemption from public records requirements for certain information relating to screenings for participation in treatment-based drug court programs, behavioral health evaluations, & subsequent treatment status reports. Effective Date: October 1, 2019 Approved by Governor; Chapter No. 2019-30

SB 7034 OGSR/Automated License Plate Recognition System

Removes scheduled repeal of exemption from public records requirements for certain images and data obtained through the use of an automated license plate recognition system and for personal identifying information of an individual in data generated from such images. Effective Date: 10/1/2019 Approved by Governor; Chapter No. 2019-016

HB 7059 OGSR/Concealed Carry License/DACS

Removes scheduled repeal of exemption from public records requirements for certain personal identifying information held by tax collector when individual applies for license to carry concealed weapon or firearm. Effective Date: October 1, 2019 Approved by Governor; Chapter No. 2019-34

Revisers Statutes

SB 0002 Florida Statutes

Adopting the Florida Statutes 2019 and designating the portions thereof that are to constitute the official law of the state, etc. Effective Date: 7/3/2019 Approved by Governor; Chapter No. 2019-002

SB 0004 Florida Statutes

Deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded, etc. Effective Date: 7/3/2019 Approved by Governor; Chapter No. 2019-003

SB 0006 Florida Statutes

Deleting provisions which have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), F.S., may be omitted from the 2019 Florida Statutes only through a reviser's bill duly enacted by the Legislature, etc. Effective Date: 7/3/2019 Approved by Governor; Chapter No. 2019-004

SB 0008 Florida Statutes

Amending provisions to conform to the directive of the Legislature in section 9 of chapter 2012-116, Laws of Florida, codified as section 11.242(5)(j), Florida Statutes, to prepare a reviser's bill to omit all statutes and laws, or parts thereof, which grant duplicative, redundant, or unused rulemaking authority, etc. Effective Date: 7/3/2019 Approved by Governor; Chapter No. 2019-005

Special thanks to LobbyTools and House & Senate staff analysis for assistance with summaries.

Copies of Legislation may be downloaded from Online Sunshine a www.leg.state.fl.us