

SEPTEMBER 2020

LAW ENFORCEMENT NEWSLETTER

A MESSAGE FROM BILL CERVONE STATE ATTORNEY

Heading into the last part of the year things remain every bit as uncertain in the criminal justice system as they have been since March when the Coronavirus pandemic hit. As I write this in mid-August, the courts remain largely shut down although at least in-custody cases are being moved somewhat. Still, trials remain a moving target and there is no clear answer as to when or how they may resume.

Efforts are being made to experiment with courtroom processes, especially in the regional counties, in early September, but there is no guarantee that Covid numbers will allow that to succeed. For the moment as much testimony, deposition and pre-trial motion practice as possible remains on a remote basis. Everyone's patience and flexibility as we work through exactly how that gets done is greatly appreci-

ated.

Of more long term consequence the ramifications of the events leading to current "de-fund the police" and other reform movements will no doubt be playing out for years to come. All of us who are committed to good law enforcement need to know that while we can always improve what we do and how we do it the more radical proposals that make the rounds are not likely to take hold. Be engaged in the process and be realistic in understanding how our communities expect us to interact with them. It goes without saying that when it convenes next Spring the Florida legislature will again deal with a multitude of reforms, some reasonable and some not. It is up to us to respond appropriately and work to make sure that the overwhelming good work done by our law enforcement agencies to protect our com-



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We're on the web:
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

munities is not overlooked in some rush to find solutions for problems that don't really exist.

Speaking of the legislature and as we always do in the Fall, the bulk of this issue is devoted to 2020 legislative changes affecting criminal justice issues and agencies. Please remember that the summaries of new or amended laws are intended only to alert you to something new. If relevant to you, you should pull up and read the entirety of the referenced bill to be certain that you are fully aware of whatever is effective now. This information is available

on a variety of websites, including from the Florida Senate and House of Representatives, or the SAO can always provide a copy on your request.

SAO STAFF CHANGES

The SAO welcomed Deborah Rothenberg as an ASA in the Gainesville office on August 11th. Deb comes to us from the Wayne County District Attorney's Office in Pennsylvania, where she has served since 2012, including as First Assistant since January of 2018. She will be initially assigned to assist in the Gainesville Intake and County Court divisions.



Congratulations To...

ASA George Wright, who was appointed to the Circuit Court bench by Governor DeSantis on June 24th. George will become Judge Wright when he takes office in January of 2021 and will fill the vacancy on the court created by the retirement of Chief Judge Jim Nilon.

Congratulations

Homeland Security Opens Gainesville Office

The United States Department of Homeland Security has opened an office in Gainesville. The office will function as a branch of the Jacksonville office and will be responsible for investigations and cases in Alachua, Levy, Gilchrist and Dixie Counties. Special Agent Joel Richards will be in charge of the Gainesville office after transferring to our area after several years being assigned to Hawaii and is already in place. He expects a second agent, Tony Lada, to join the office in the near future. Special Agent Richards can be reached at Joel.Richards@ice.dhs.gov or by phone at 352-204-4581 (office) or 808-658-6131 (cell).



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.

3rd DCA Reverses Course As To Joint Possession And Probable Cause

The May 2020 issue of the Legal Bulletin contained a lengthy review of a then new 3rd DCA case, J.J. v State. That case involved a finding as to the requirements for probable cause in a joint possession case, and the opinion amounted to significant restrictions on law enforcement. In July, however, the 3rd DCA sitting en banc, meaning the entire court membership and not just the original panel of three judges who initially decided the case, reviewed the case and reversed that ruling.

To refresh everyone, J.J., a juvenile, was one of three people in a kitchen when officers made a warrantless entry in pursuit of another person. The officers saw a fork, a scale, and a glass beaker on the stove in the kitchen, each with a white substance suspected to be crack cocaine on it. There were two other adults in the kitchen but the juvenile as the closest to the stove. He was sitting in a chair, not facing the stove, not touching the stove, and looking at his cell-phone which he was holding in both hands when the officers entered. He was neither asked nor said anything but he was arrested due to his proximity to the suspected cocaine and paraphernalia. There was no evidence that he lived in the residence or regarding his status as an owner, a renter, a visitor, or whether he was with one of the adults who were there. In addition to the other two adults in the kitchen, several other adults were in other rooms in the residence.

The issue in the case was whether probable cause existed to arrest the juvenile. The original panel opinion said no, there was not, saying that while these facts and the juvenile's proximity to the illegal articles may have created a founded suspicion to question the juvenile they fell short of probable cause.

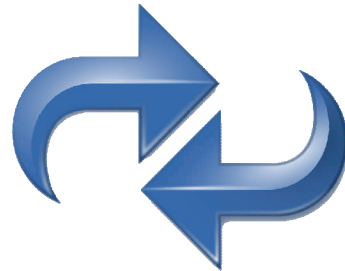
In reversing that ruling, the en banc opinion began by noting that proximity alone is not enough to establish constructive possession of contraband. As we know, going beyond mere presence, or proximity, is always the challenge in constructive and joint possession situations. The en banc opinion, however, went on to say that probable cause of joint, constructive possession can be based on the totality of the circumstances including proximity in a setting where a drug dealer would be unlikely to admit an innocent person with the potential to furnish evidence against him. Probable cause, the en banc opinion goes on to say, requires only a probability or "substantial chance" of criminal activity, not an actual showing of such activity, and "is not a high bar." Probable cause "does not demand any showing that such a belief be correct or more likely true than false."

Applying that standard to the facts, the full DCA relied on the juvenile having been seated next to a stove opening being used to cook crack cocaine in a small kitchen of a private dwelling when and where only an

3rd DCA Reverses Course As To Joint Possession And Probable Cause..... Continued

accomplice would normally be admitted. While those facts, they concluded, may not establish constructive possession beyond a reasonable doubt, or even that possession was more likely than not, they clearly support a "substantial chance" of possession, which is all the 4th Amendment requires for probable cause.

The moral of the story remains largely the same as it was with the original opinion in the case: detail detail detail! All of the arguably small or even inconsequential details of the case are what the revised, corrected opinion used to conclude that under the totality of the circumstances there was probable cause. As a bonus, the en banc opinion addressed the claimed deficiencies the original panel relied on. That the juvenile said nothing, for example, means nothing because the 4th Amendment does not require that and there is no authority to require that he even be asked anything. The essential nature of probable cause is that it is "a practical nontechnical conception that deals with the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act."





Retired University Police Department Lieutenant Colonel Martha Varnes passed away on July 17th after struggling with Alzheimer's. She was 85. Martha joined UPD in a clerical position in 1958, returned to school in the late 60s and became a patrol officer in 1974 as the agency's first female officer, and worked her way through the ranks in the following years. She was a pioneer for women in law enforcement and for victim's advocacy, especially for those who had suffered sexual or relationship violence. A mentor to many and a friend to all, she embodied community policing at the University of Florida and in the broader community before that term became fashionable.

With Thank To ASA Monica Hofheinz
Of Ft. Lauderdale For Her Hard
Work Compiling This Summary



2020 LEGISLATIVE UPDATE

***Compiled by Monica M. Hofheinz**

Assistant State Attorney

17th Judicial Circuit

Sex Crimes

HB 0199 Sexual Battery Prosecution Time Limitation

Designates act "Donna's Law"; creates exception to general time limitations allowing prosecution to be commenced at any time for specified sexual battery offenses against victims younger than a certain age. Effective Date: July 1, 2020 Approved by Governor; Chapter No. 2020-81

HB 0675 Exposure of Sexual Organs

Increases criminal penalties for exposure of sexual organs for second or subsequent offense; authorizes warrantless arrests when law enforcement officer has probable cause to believe that person has unlawfully exposures sexual organs. Effective Date: October 1, 2020 Approved by Governor; Chapter No. 2020-84

SB 0698 Reproductive Health

Requiring the Department of Health to immediately suspend the license of certain health care practitioners under certain circumstances; defining the term "pelvic examination"; prohibiting health care practitioners and certain students from performing a pelvic examination on a patient without first obtaining the written consent of the patient or the patient's legal representative; establishing the criminal offense of reproductive battery, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020 approved by Governor 2020-031

Domestic Violence

SB 1082 Domestic Violence Injunctions

Authorizing a court to take certain actions regarding the care, possession, or control of an animal in domestic violence injunctions, etc. Effective Date: 7/1/2020 Approved by Governor; Chapter No. 2020-037

HB 1087 Domestic Violence Services

Revises duties of DCF in relation to domestic violence program; removes duties & functions of Florida Coalition Against Domestic Violence with respect to domestic violence; revises requirements of domestic violence centers; removes coalition from capital improvement grant program process. Effective Date: February 27, 2020 Approved by Governor; Chapter No. 2020-006

Animals and Wildlife

SB 0680 Shark Fins

Citing this act as the "Kristin Jacobs Ocean Conservation Act"; prohibiting the import, export, and sale of shark fins in this state; providing exceptions; requiring the Fish and Wildlife Conservation Commission to evaluate the potential economic impacts to the commercial shark fishing industry in this state; requiring the commission to review the potential impact on shark populations; requiring a report to the Legislature by a specified date; authorizing the Legislature to impose a ban on the domestic production of shark fins based upon the findings of the report, etc. Effective Date: 10/1/2020 Waiting on Session Law number

HB 0327 Illegal Taking, Possession, and Sale of Bears

Provides that person commits specified violations for illegal taking, possession, & sale of bears; prohibits illegal taking, possession, & sale of bears; provides penalties. Effective Date: July 1, 2020 Approved by Governor; Chapter No. 2020-066

SB 1084 Emotional Support Animals

Defining the terms "emotional support animal" and "housing provider"; prohibiting discrimination in housing provided to a person with a disability or a disability-related need for an emotional support animal; prohibiting a health care practitioner from providing information regarding a person's need for an emotional support animal without having personal knowledge of that person's need for the animal; prohibiting the falsification of information or other fraudulent misrepresentation regarding the use of an emotional support animal, etc. Effective Date: 7/1/2020 Approved by Governor; Chapter No. 2020-76

SB 1414 Fish and Wildlife Activities

Prohibiting certain harassment of hunters, trappers, and fishers within or on public lands or publicly or privately owned wildlife and fish management areas, or in or on public waters; authorizing the Fish and Wildlife Conservation Commission to designate additional annual free freshwater and saltwater fishing days; prohibiting the keeping, possessing, importing, selling, bartering, trading, or breeding of certain species except for educational, research, or eradication

or control purposes; including green iguanas and species of the genera *Salvator* and *Tupinambis* in such prohibition, etc. Effective Date: 7/1/2020 Approved by Governor; Chapter No. 2020-123

Controlled Substance Legislation

SB 0810 Tobacco and Nicotine Products

Requiring permits to be issued to persons or corporations whose officers are not less than 21 years of age; specifying that fees for a retail tobacco products dealer permit only apply to retailers dealing in certain tobacco products; revising prohibitions on the sale of tobacco products from vending machines; prohibiting a person from selling, delivering, bartering, furnishing, or giving flavored liquid nicotine products to any other person, etc. Effective Date: 1/1/2021 Waiting on Session Law number

SB 7012 Substance Abuse and Mental Health

Providing additional duties for the Statewide Office for Suicide Prevention; requiring the Department of Transportation to work with the office in developing a plan relating to evidence-based suicide deterrents in certain locations; requiring that certain information be provided to the guardian or representative of a minor patient released from involuntary examination; requiring the maintenance of psychotropic medications to specified defendants under certain circumstances, etc. Effective Date: 7/1/2020 Approved by Governor 2020-039

SB 1120 Substance Abuse Services

Requiring, rather than authorizing, an exemption from disqualification from employment for certain substance abuse service provider personnel under certain circumstances; providing that certain persons may be granted such exemption without a waiting period under certain circumstances; removing the authority of the Department of Children and Families to grant exemptions from disqualification under ch. 397, F.S., under certain circumstances; providing criminal penalties for violations relating to recovery residence patient referrals, etc. Effective Date: 7/1/2020 Approved by Governor; Chapter No. 2020-038

SB 1286 Contraband in Specified Facilities

Prohibiting the introduction of certain cannabis related substances, cellular telephones and other portable communication devices, and vapor-generating electronic devices inside specified facilities of the Department of Children and Families or of the Agency for Persons with Disabilities; providing criminal penalties; prohibiting the introduction of certain cannabis related substances and vapor-generating electronic devices inside a state correctional institution, etc. Effective Date: 10/1/2020 Approved by Governor; Chapter No. 2020-059

HB 0743 Nonopioid Alternatives

Revises requirement for certain health care practitioners to inform patient or patient's representative of nonopioid alternatives before prescribing or ordering an opioid drug. Effective Date: July 1, 2020 Approved by Governor; Chapter No. 2020-024

SB 0172 Florida Drug and Cosmetic Act

Preempting the regulation of over-the-counter proprietary drugs or cosmetics to the state, etc. Effective Date: 7/1/2020 Approved by Governor; Chapter No. 2020-118

HB 0177 Prescription Drug Donation Repository Program

Creates Prescription Drug Donation Repository Program within DOH; provides criteria & conditions for donation of prescription drugs & supplies from certain authorized entities for dispensing to eligible patients; authorizes Governor to waive program patient eligibility requirements during declared state of emergency. Effective Date: July 1, 2020 Approved by Governor; Chapter No. 2020-023

Child Welfare and Minors

HB 0043 Child Welfare

Requiring the Florida Court Educational Council to establish certain standards for instruction of circuit and county court judges for dependency cases; requiring the Department of Law Enforcement to provide certain information to law enforcement officers relating to specified individuals; requiring Child Protection Teams to be capable of providing certain training relating to head trauma and brain injuries in children younger than a specified age; requiring the Criminal Justice Standards and Training Commission to establish standards for the instruction of law enforcement officers in a specified subject, etc. Effective Date: July 1, 2020 Approved by Governor; Chapter No. 2020-040

SB 0070 Alert Systems in Public Schools

Citing this act as "Alyssa's Law"; requiring each public school to implement a mobile panic alert system for specified purposes beginning in a specified school year; authorizing public school districts to implement additional strategies and systems for specified purposes; requiring the Department of Education to issue a competitive solicitation to contract for a mobile panic alert system, subject to appropriation, etc. Effective Date: 7/1/2020 Approved by Governor; Chapter No. 2020-145

HB 0089 Adoption Records

Provides that name & identity of birth parent, adoptive parent, & adoptee may be disclosed from adoption records without court order. Effective Date: July 1, 2020 Approved by Governor; Chapter No. 2020-042

SB 0404 Abortion

Reclassifying the criminal offense for a specified violation; prohibiting physicians from performing or inducing the termination of the pregnancy of a minor unless specified requirements are satisfied; requiring a physician to obtain written consent from a minor's parent or legal guardian before performing or inducing a termination of the pregnancy of a minor; providing exceptions to such consent requirement; providing criminal penalties for physicians, etc. Effective Date: 7/1/2020 Approved by Governor; Chapter No. 2020-148

SB 0406 Public Records/Minor's Petition to Waive Consent/Abortion

Providing a public records exemption for information that could identify a minor which is contained in a record held by the court relating to the minor's petition to waive consent requirements to obtain an abortion; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity, etc. Effective Date: 7/1/2020 Approved by Governor; Chapter No. 2020-149

SB 1326 Child Welfare

Requiring the Department of Children and Families to establish performance metrics; requiring sheriffs providing certain services to adopt the child welfare practice model; requiring the department to establish an Office of Quality; adding responsibilities to the department of contracts regarding care for children in the child welfare system; requiring the Florida Institute for Child Welfare and the Florida State University College of Social Work to design and implement a specified curriculum, etc. Effective Date: 7/1/2020 Approved by Governor; Chapter No. 2020-153

HB 1105 Child Welfare

Requires certain training for judges; authorizes & provides requirements for early childhood court programs; authorizes DCF to file petitions; requires court to consider specified factors when determining change of legal custody or placement; revises & provides requirements for case plans; provides requirements for court jurisdiction, information disclosure, & caregiver recommendations; provides timeframes for certain studies & licensing; provides requirements & processes for adoption of certain children; provides responsibilities for foster parents, birth or legal parents, DCF, & community-based care lead agency; requires employees of residential group homes to meet specified requirements; authorizes community-based care lead agency to provide more than 35 percent of all child welfare services under certain conditions. Effective Date: July 1, 2020 Approved by Governor; Chapter No. 2020-138

HB 0945 Children's Mental Health

Requires DCF & AHCA to identify children & adolescents who use crisis stabilization services & to meet behavioral health needs of such children & adolescents; requires development of plans promoting coordinated system of care for certain services; requires testing of provider network databases maintained by Medicaid managed care plans; requires verification of use of certain strategies & outreach before student is removed from school, school transportation, or school-sponsored activity under specified circumstances; provides exception; requires DCF & AHCA to assess quality of care provided in crisis stabilization units. Effective Date: July 1, 2020 Approved by Governor; Chapter No. 2020-107

HB 0197 Servicemembers Civil Relief Act

Provides certain state laws relating to children do not supersede Servicemembers Civil Relief Act; requires DCF to ensure the act is observed in certain cases. Effective Date: July 1, 2020 Approved by Governor; Chapter No. 2020-065

Crimes, Exemptions and Contempt

HB 0103 Subpoenas

Revises definition of term "properly served"; authorizes applicant to petition court to compel compliance with subpoena; authorizes court to address noncompliance as indirect criminal contempt & impose daily fine. Effective Date: July 1, 2020 Approved by Governor, Chapter No. 2020-043

HB 7009 Penalties for Violations of the Constitutional Prohibition against Abuse of Public Position; Waiting on Session Law number.

Reenacts provisions relating to penalties. Effective Date: December 31, 2020 Waiting on Gov.

SB 0294 Crimes against Veterans

Citing this act as the "Florida Veterans Protection Act"; providing an enhanced sentence for any person who commits aggravated white collar crimes against a certain number of veterans by obtaining or attempting to obtain a specified amount of money; providing criminal penalties, etc. Effective Date: 10/1/2020 Waiting on Session Law number.

HB 0659 Drones

Adds exception to prohibited uses of drone for managing & eradicating invasive exotic plants or animals on public lands & suppressing & mitigating wildfire threats. Effective Date: July 1, 2020 Approved by Governor; Chapter No. 2020-131

SB 0140 Fireworks

Defining the term "designated holiday"; providing an exemption for the use of fireworks solely and exclusively during a designated holiday; prohibiting homeowners' associations from promulgating certain rules or regulations, etc. Effective Date: 04/08/20 Approved by Governor; Chapter No. 2020-011

HB 1091 Environmental Accountability

Revising criminal penalties for violations of certain provisions relating to pollution and the environment, etc. Effective Date: July 1, 2020 Approved by Governor; Chapter No. 2020-159

Elderly and Vulnerable Adults

SB 0400 Elder Abuse Fatality Review Teams

Authorizing a state attorney, or his or her designee, to initiate an elder abuse fatality review team in his or her judicial circuit; authorizing elder abuse fatality review teams in existence on a certain date to continue to exist; requiring each review team to annually submit to the department a summary report containing specified information by a certain date; providing immunity from monetary liability for review team members under certain conditions, etc. Effective Date: 7/1/2020 Approved by Governor 2020-017

HB 0559 Institutional Formularies Established by Nursing Home Facilities

Authorizes nursing home facility to establish & implement institutional formulary; requires facility to maintain written policies & procedures for institutional formulary & make available to AHCA, upon request; provides requirements relating to prescribers; prohibits facility from taking adverse action against prescriber or resident under certain circumstances; authorizes pharmacist to substitute medicinal drugs under institutional formulary established by facility under certain circumstances. Effective Date: July 1, 2020 Approved by Governor; Chapter No. 2020-103

HB 0731 Agency for Health Care Administration

Revises certain duties of AHCA relating to reporting, oversight, licensure inspections, issuance of licenses, & Medicaid fraud investigations; removes annual assessment on health care entities; removes provisions relating to multiphasic testing centers. Effective Date: July 1, 2020 Approved by Governor; Chapter No. 2020-157

HB 0767 Assisted Living Facilities

Revises requirements & standards relating to ALF licensure, inspections, resident criteria & rights, & staff training & continuing education. Effective Date: July 1, 2020 Approved by Governor 2020-068

HB 0813 Protection of Vulnerable Investors

Requires securities dealers, investment advisers, & associated persons to report knowledge or suspicion of abuse, neglect, or exploitation of vulnerable adults to DCF; authorizes dealers & investment advisers to delay certain disbursements or transactions based on reasonable belief of financial exploitation of specified adult; requires dealer or investment adviser to notify certain persons & OFR of such delays within specified timeframe; authorizes dealer or investment adviser to extend delay; provides that length of such delays may be shortened or extended by court of competent jurisdiction; provides immunity from administrative & civil liability for dealers, investment advisers, & associated persons; requires dealers & investment advisers to develop certain training policies or programs & maintain written records of compliance. Effective Date: July 1, 2020 Approved by Governor; Chapter No. 2020-158

SB 0994 Guardianship

Expanding factors for a court to consider when appointing a guardian; revising requirements for a petition for the appointment of a guardian; prohibiting professional guardians from petitioning for their own appointment except under certain circumstances; prohibiting guardians from taking certain actions on behalf of an alleged incapacitated person or minor, etc. Effective Date: 7/1/2020 Approved by Governor; Chapter No. 2020-035

Traffic and Motor Vehicles

HB 0971 Electric Bicycles

Provides for rights & privileges of electric bicycles & operators; provides that electric bicycles are vehicles to same extent as bicycles; exempts electric bicycles & operators from specified

provisions; requires labeling of electric bicycles; requires electric bicycles to comply with specified provisions & operate in certain manner; authorizes operators to ride electric bicycles where bicycles are allowed. Effective Date: July 1, 2020 Approved by Governor; Chapter No. 2020-069

HB 0977 Motor Vehicle Dealers

Revises definition of "rental company" to exclude certain motor vehicle dealers, for purpose of determining minimum insurance coverage requirements; provides specified motor vehicle dealers & affiliates are immune to causes of action & not vicariously or directly liable for harm to persons or property under certain circumstances; provides specified motor vehicle dealers & affiliates are not adjudged liable in civil proceedings or guilty in criminal proceedings under certain circumstances. Effective Date: July 1, 2020 Approved by Governor; Chapter No. 2020-108

HB 1135 License Plates

Authorizing election of a permanent registration period for certain vehicles if certain conditions are met; requiring the Department of Highway Safety and Motor Vehicles to conduct a pilot program regarding digital license plates; revising presale requirements for issuance of a specialty license plate; prohibiting annual use fees received by any entity from being used for certain purposes, etc. Effective Date: October 1, 2020; but only if HB 387 or similar legislation takes effect. Waiting on Governor and/or Session Law number.

Law Enforcement

HB 0205 Unlawful Use of Uniforms, Medals, or Insignia

Prohibits certain misrepresentations concerning military service when made for specified purposes. Effective Date: October 1, 2020 Approved by Governor; Chapter No. 2020-082

SB 1508 Police Vehicles

Prohibiting a person from knowingly selling, exchanging, or transferring a police vehicle without removing any police markings from the vehicle; requiring law enforcement agencies to provide an official letter of notification that the police markings have been removed; exempting sales, exchanges, or transfers of police vehicles to members of the public for the purposes of collection or display from specified requirements, etc. Effective Date: 7/1/2020 Approved by Governor; Chapter No. 2020-062

SB 0476 Law Enforcement Vehicles

Providing that condominium, cooperative, and homeowners' associations, respectively, may not prohibit a law enforcement officer from parking his or her assigned law enforcement vehicle in certain areas, etc. Effective Date: 02/21/20 Approved by Governor, Chapter No. 2020-005

HB 0573 First Responders and Correctional Officers

Prohibiting certain persons who participate in peer support communication with a first responder from testifying or divulging specified information under certain circumstances; specifying that an allegation or complaint of misconduct against a law enforcement officer or a correctional officer

may originate from any source; authorizing law enforcement and correctional agencies to request a separate agency to conduct an investigation of a complaint under certain circumstances, etc. Effective Date: July 1, 2020 Approved by Governor 2020-104

HB 0625 Public Nuisances

Authorizes sheriffs to sue to enjoin alleged nuisances; revises notice requirements for filing of temporary injunctions relating to enjoinder of nuisances; extends time period of notice before lien may attach to real estate; declares use of location by certain persons is public nuisance; declares that any place or premises that has been used on more than two occasions during certain time period as site of specified violations is nuisance; provides opportunity to remedy nuisance; prohibits rental property from being abated or subject to forfeiture. Effective Date: July 1, 2020 Approved by Governor; Chapter No. 2020-130

Courts

HB 0131 Security in Trial Court Facilities

Requires sheriffs to coordinate with specified entities to develop comprehensive plan for security of trial court facilities; specifies sheriffs & chief judges retain certain authority; specifies sheriffs & their deputies, employees, & contractors are officers of court under specified circumstances. Effective Date: July 1, 2020 Approved by Governor; Chapter No. 2020-100

HB 0333 Bail Pending Appellate Review

Prohibits bail to specified offenders pending review following conviction for offense requiring sexual offender or sexual predator registration if victim was minor. Effective Date: October 1, 2020 Approved by Governor; Chapter No. 2020-83

SB 0344 Courts

Specifying that certain exemptions from court-related fees and charges apply to certain entities; requiring the court to waive any court costs or filing fees for certain proceedings involving public guardians; providing that a certain examination report related to annual guardianship plans may be prepared by a physician assistant or an advanced practice registered nurse under certain circumstances, etc. Effective Date: July 1, 2020 Approved by Governor 2020-73

SB 1392 Courts

Revising provisions governing the payment of subsistence and travel reimbursement for Supreme Court justices who designate an official headquarters other than the headquarters of the Supreme Court; authorizing district court of appeal judges who meet certain criteria to have an appropriate facility in their county of residence designated as their official headquarters; specifying eligibility for subsistence and travel reimbursement, subject to the availability of funds; providing that a county is not required to provide space for a judge in a county courthouse, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020 Approved by Governor; Chapter No. 2020-061

SB 0738 Jury Service

Requiring that full-time students who meet specified criteria be excused from jury service upon request, etc. Effective Date: 7/1/2020 Approved by Governor; Chapter No. 2020-057

SB 1794 Constitutional Amendments

Increasing the signature threshold at which the Secretary of State must transmit initiative petitions to the Attorney General for review; providing that a citizen may challenge in circuit court a petition circulator's registration with the Secretary of State; authorizing the Division of Elections or a supervisor of elections to provide petition forms in a certain electronic format; requiring that ballots containing constitutional amendments proposed by initiative include certain disclosures and statements, in a specified order, etc. Effective Date: 04/08/20 Approved by Governor; Chapter No. 2020-015

HB 5301 Judges

Revises number of circuit court judges in certain circuits; revises number of county court judges in certain counties. Governor vetoed the appropriation for these new judgeships but did not veto HB 5301. Effective Date: July 1, 2020 Approved by Governor; Chapter No. 2020-112

Public Record Legislation

HB 7015 OGSR/Body Camera Recordings

Removes scheduled repeal of exemption from public records requirements for body camera recordings. Effective Date: October 1, 2020. Waiting on Governor or Session Law number.

HB 7019 OGSR/Human Trafficking Victims

Removes scheduled repeal of exemption from public records requirements for certain criminal intelligence & criminal investigative information that reveal identity of certain human trafficking victims. Effective Date: October 1, 2020. Waiting on Governor or Session Law number.

SB 7004 OGSR/Taxpayer E-mail Addresses Held by a Tax Collector

Amending a provision relating to an exemption from public records requirements for taxpayer e-mail addresses held by a tax collector for certain purposes; removing the scheduled repeal of the exemption, etc. Effective Date: 10/1/2020

SB 0406 Public Records/Minor's Petition to Waive Consent/Abortion

Providing a public records exemption for information that could identify a minor which is contained in a record held by the court relating to the minor's petition to waive consent requirements to obtain an abortion; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity, etc. Effective Date: 7/1/2020 Approved by Governor; Chapter No. 2020-149

SB 1060 Public Records and Meetings/911, E911, or Public Safety Radio System

Providing an exemption from public records requirements for certain documents which depict the structural elements of certain 911, E911, or public safety radio communication system

infrastructure, structures, or facilities; providing an exemption from public records requirements for geographical maps indicating the actual or proposed locations of certain 911, E911, or public safety radio communication system infrastructure, structures, or facilities; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. Effective Date: April 8, 2020 Approved by Governor 2020-013

HB 7001 OGSR/E-mail Addresses/Department of Highway Safety and Motor Vehicles

Removes scheduled repeal of public records exemption for certain e-mail addresses collected by DHSMV. Effective Date: October 1, 2020 Approved by Governor; Chapter No. 2020-048

HB 7005 OGSR/RICO Act Investigations

Removes scheduled repeal of exemption from public records requirements for certain documents & information held by investigative agency pursuant to investigation relating to activity prohibited under Florida RICO Act. Effective Date: October 1, 2020 Approved by Governor; Chapter No. 2020-90

HB 7013 OGSR/Residential Facilities Serving Victims of Sexual Exploitation

Removes scheduled repeal of exemptions from public records requirements for information about location of certain residential facilities serving victims of sexual exploitation. Effective Date: October 1, 2020 Approved by Governor; Chapter No. 2020-049

HB 7023 OGSR/Child Abuse Death Review Committees

Removes scheduled repeal of exemptions from public records & public meetings requirements for certain identifying information held by State Child Abuse Death Review Committee or local committee. Effective Date: October 1, 2020 Approved by Governor 2020-92

SB 0830 OGSR/Certain Personal Financial and Health Information

Amending a provision which provides an exemption from public records requirements for certain personal financial and health information held by the Florida Prepaid College Board, Florida ABLE, Inc., or the Florida ABLE program, or an agent or service provider thereof; removing the scheduled repeal of the exemption, etc. Effective Date: 10/1/2020

HB 1393 Pub. Rec./Financial Technology Sandbox

Provides exemptions from public records requirements for certain information made available to OFR in Financial Technology Sandbox applications by specified providers of innovative financial products or services, & for certain information relating on such providers; provides for future legislative review & repeal of exemptions; provides statement of public necessity. Effective Date: 06/30/20 Approved by Governor; Chapter No. 2020-161

SB 0966 Public Records/Disaster Recovery Assistance

Providing an exemption from public records requirements for property photographs and personal identifying information provided to specified entities by certain persons for the purpose of disaster recovery assistance; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. Effective Date: 7/1/2020 Approved by Governor; Chapter No. 2020-034

HB 0821 Pub. Rec. and Meetings/Information Technology Security Information

Provides exemptions from public records requirements for portions of records held by state agency that contain network schematics, hardware & software configurations, & encryption & certain recordings & transcripts; provides exemption from public meetings requirements for portions of meetings that would reveal such records; provides for future legislative review & repeal of exemptions; provides public necessity statement & for retroactive application of exemptions. Effective Date: June 9, 2020 Approved by Governor; Chapter No. 2020-025

Administrative and Miscellaneous

SB 1050 Disaster Volunteer Leave for State Employees

Reordering, revising, and providing definitions; revising conditions under which an employee may be granted leave under the Florida Disaster Volunteer Leave Act; specifying requirements and limitations, etc. Effective Date: 7/1/2020 Approved by Governor; Chapter No. 2020-036

SB 0952 Senior Management Service Class

Providing that participation in the Senior Management Service Class of the Florida Retirement System is compulsory for each appointed criminal conflict and civil regional counsel and specified staff of the regional counsel beginning on a specified date; authorizing members of the class to purchase and upgrade certain retirement credit, etc. Effective Date: 7/1/2020 Approved by Governor; Chapter No. 2020-120

HB 0115 Keep Our Graduates Working Act

Prohibits state authority from denying license, refusing to renew license, or suspending or revoking license on basis of delinquency or default in payment of his or her student loan; provides exception to requirement that certain entities prohibit candidate from being examined for or issued, or having renewed license, certificate, or registration to practice health care profession if he or she is listed on specified federal list of excluded individuals & entities; repeals provisions relating to health care practitioners in default on student loan or scholarship obligations. Effective Date: July 1, 2020 Approved by Governor; Chapter No. 2020-125

HB 1005 Voting Systems

Revises timeframes for testing of automated tabulating equipment; revises procedures governing canvassing of returns to specify usage of voting system's automatic tabulating equipment; specifies when ballots must be processed through automatic tabulating equipment in recount; specifies manner manual recount may be conducted; revises requirements for hardware or software used in manual recount; authorizes overvotes & undervotes to be identified & sorted physically or digitally in manual recount. Effective Date: January 1, 2021 Approved by Governor 2020-109

HB 1391 Technology Innovation

Creates Financial Technology Sandbox within OFR; provides certain exceptions to general law & certain waivers of rule requirements to specified persons; provides Technology Sandbox application requirements; provides that licensees are not immune from civil damages & are

subject to criminal & consumer protection laws & certain general laws; authorizes office to issue certain orders & to enforce them; provides appropriation; provides that specified provisions of act are contingent upon passage of other provisions addressing public records. Effective Date: July 1, 2020 Approved by Governor; Chapter No. 2020-160

Florida Statutes

SB 0594 Florida Statutes

Adopting the Florida Statutes 2020 and designating the portions thereof that are to constitute the official law of the state, etc. Effective Date: February 12, 2020 Approved by Governor; Chapter No. 2020-001

SB 0596 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; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes, etc. Effective Date: February 12, 2020 Approved by Governor 2020-002

SB 0598 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 2020 Florida Statutes only through a reviser's bill duly enacted by the Legislature, etc. Effective Date: February 12, 2020 Approved by Governor; Chapter No. 2020-003

SB 0600 Florida Statutes

Amending and repealing 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: February 12, 2020 Approved by Governor 2020-004

***Note from Monica:**

I have attempted to identify legislation that had some relation to crimes or penalties; but, unlike in the past, I was unable to read and review all the legislation in this outline. The summaries sometimes differ from the final bill that is approved by the Governor. There are about 7 bills where we may be waiting on the Governor or a Session Law number. It is noted at the end of the summary.

Special thanks to LobbyTools and House and Senate staff for their analysis and summaries.

For copies of legislation please go to Online Sunshine at www.leg.state.fl.us