

April 13, 2018

TO: Colonel Gene Spaulding, Florida Highway Patrol
Head of City, County and State Traffic Enforcement Agencies
County Court Judges
State Attorneys
Clerks of the Court
Tax Collectors
Florida Association of Counties
Florida League of Cities

FROM: Jennifer Langston
Legislative Affairs Director

SUBJECT: 2018 Legislation Affecting Traffic and Motor Vehicle Laws

The following memorandum is a courtesy summary of the legislative changes relevant to the department and its stakeholders enacted during the 2018 Legislative Session. **The Department of Highway Safety and Motor Vehicles (DHSMV) respectfully recommends that your agency carefully review the complete version of any statutory changes prior to revising any policies or operational protocols.**

Copies of the bills may be obtained from the Department of State, the distribution offices of the Florida House and Senate, or the official website of the Florida Legislature at www.leg.state.fl.us. Links to Chapter Law are provided embedded in the document. Please do not hesitate to contact DHSMV, Office of Legislative Affairs at 850-617-3195, or email LADhelp@flhsmv.gov if you need additional assistance.

Cc: FHP Command Staff
Florida Police Chiefs Association
Florida Sheriffs Association
Chief Cabinet Aides

The following bills became effective upon becoming law:

Ch. Law 2018-001 - Public Records & Public Meetings / School Safety (SB 1940-Galvano)

Effects or Creates the following Florida Statutes: 1006.12, 943.082, 943.687

Provides exemptions from public records requirements for the identity of a reporting party and any information received by law enforcement agencies, school officials, or the Florida Department of Law Enforcement's (FDLE) mobile suspicious activity reporting tool. Also provides an exemption from public records requirements for information that would identify whether an individual has been appointed as a safe-school officer.

Effective 03/09/2018

Ch. Law 2018-002 - Public Records/Victim of an Incident of Mass Violence (SB 7024-Rules)

Effects or Creates the following Florida Statutes: 119.011, 119.071

Creates an exemption from public records requirements for the address of a victim of an incident of mass violence. Provides for Definition of "incident of mass violence" to mean an incident in which four or more people, not including the perpetrator, are severely injured or killed by an intentional and indiscriminate act of violence of another. Defines the term "victim" to mean a person killed or injured during an incident of mass violence, not including the perpetrator. Amends the definition of "criminal intelligence information" and "criminal investigative information" to include the address of a victim of mass violence.

Effective 03/09/2018

Ch. Law 2018-003 - Public Safety (SB 7026-Rules)

Effects or Creates the following Florida Statutes: 16.55, 20.15, 30.15, 121.091, 394.463, 394.495, 790.065, 790.0655, 790.335, 794.056, 836.1, 921.0022, 938.85, 1002.32, 1006.07, 1006.08, 1006.12, 1006.13, 1011.62, 1013.64, 397.676, 943.082, 1006.1493, 790.222, 943.687, 1012.584, 790.064, 790.401, 1001.212

Amends several provisions of law to address violence on school campuses, specifically in the areas of mental health, gun safety, and school safety.

- Authorizes a law enforcement officer who is taking a person into custody for an involuntary examination under the Baker Act to seize and hold a firearm or ammunition in the person's possession and to seek the voluntary surrender of other firearms or ammunition kept in the residence.
- Provides firearms or ammunition seized or voluntarily surrendered must be available for return no longer than 24 hours after the person taken into custody can document that he or she is no longer subject to involuntary examination and has been released or discharged or discharged from any inpatient or involuntary outpatient treatment provided or ordered and does not have a risk protection order against them or is the subject of a firearm disability.
- Prohibits a person who has been adjudicated mentally defective or who has been committed to a mental institution from owning or possessing a firearm until a court orders otherwise.

- Creates a process for a law enforcement officer or law enforcement agency to petition a court for a risk protection order to temporarily prevent persons who are at high risk of harming themselves or others from possessing firearms or ammunition when a person poses a significant danger to himself or herself or others, including significant danger as a result of a mental health crisis or violent behavior.
 - Allows a court to issue a risk protection order for up to 12 months and requires the surrender of all firearms and ammunition if a risk protection order is issued.
 - Provides a process for a risk protection order to be vacated or extended by the court.
- Requires a three-day waiting period between the purchase and delivery of a firearm or until the background check is completed, whichever is later.
- Provides exceptions of the three-day waiting period for concealed weapons permit holder, and for the purchase of firearms other than handguns, an exception for:
 - Individuals who have completed a 16-hour hunter safety course and possess a hunter safety certification card;
 - Persons who are exempt from the hunter safety course requirements and hold a valid Florida hunting license or;
 - Law enforcement officers, correctional officers, and servicemembers.
- Prohibits a person under 21 years of age from purchasing a firearm and a licensed firearm dealer, importer, and manufacturer, from selling a firearm, except in the case of a member of the military, or a law enforcement or correctional officer when purchasing a rifle or shotgun.
- Prohibits a bump-fire stock from being imported, transferred, distributed, sold, keeping for sale, offering for sale, possessing, or giving away within the state beginning October 1, 2018.
- Establishes the Marjory Stoneman Douglas High School Public Safety Commission (commission) to investigate system failures in the Parkland school shooting and prior mass violence incidents, and develop recommendations for system improvements.
- Codifies the Office of Safe Schools within the Florida Department of Education (DOE) which will serve as a central repository for the best practices, training standards, and compliance regarding school safety and security.
- Permits a sheriff to establish a Coach Aaron Feis Guardian Program to aid in the prevention or abatement of active assailant incidents on school premises. Allows school districts to decide whether to participate in the school guardian program if it is available in their county. Specifies school guardian requirements. No teacher will be required to participate. Legislation provides that personnel that are strictly classroom teachers with no other responsibilities cannot participate, with specified exceptions.
- Requires each district school board and school district superintendent to cooperate with law enforcement agencies to assign one or more safe-school officers at each school facility.
- Requires each district school board to:
 - Designate a school administrator who completes the required training within the specified timeframe as the school safety specialist for the district to serve as the district's primary point of public contact for public school safety functions.

- Designate a threat assessment team at each school, and requires the team to operate under the district school safety specialist's direction. Requires threat assessment team to consult with law enforcement when a student exhibits a pattern of behavior, based upon previous acts or the severity of an act that would pose a threat to school safety.
- Formulate and prescribe policies and procedures, in consultation with appropriate public safety agencies, for emergency drills for hostage and active shooter situations and incorporate procedures to address active shooter situations in the model emergency management and emergency preparedness procedures.
- Requires each school safety specialist to coordinate with appropriate public safety agencies that are designated as the first responders to a school's campus to tour such campus once every 3 years and provide recommendations related to school safety.
- Requires DOE to contract for the development of a Florida Safe School Assessment Tool to be used by each school district and public school in conducting security assessments to identify threats and vulnerabilities.
- Requires DOE to establish evidence-based youth mental health awareness and assistance training program to help school personnel identify and understand the signs of emotional disturbance, mental illness, and substance use disorders and provide such personnel with the skills to help a person who is experiencing or developing an emotional disturbance, mental health, or substance abuse problem.
- Creates the mental health assistance allocation within the Florida Education Finance Program to provide funding to assist school districts in establishing or expanding school-based mental health care.
- Clarifies that the cost per student station does not include specified costs related to improving school safety.

Additionally, prohibits a person from making, posting, or transmitting a threat to conduct a mass shooting or an act of terrorism. Requires the Department of Children and Families (DCF) to contract for community action treatment teams to provide behavioral health and support services. Requires FDLE to procure a mobile app that would allow students and the community to relay information anonymously concerning unsafe, potentially harmful, dangerous, violent, or criminal activities or threats.

Effective 03/09/2018

[Ch. Law 2018-114](#) - Legislature / 2020 Regular Session (HB 7045-Rules & Policy)

Assigns the date for the convening of the 2020 Regular Session of the Florida Legislature to January 14, 2020.

Effective 03/23/2018

The following bills take effect July 1, 2018:

Ch. Law 2018-006 - Education (HB 7055-Education)

Effects or Creates the following Florida Statutes: 212.1832, 1002.411

Omnibus legislation consisting of various education initiatives. Provides for tax credits to a purchaser of a motor vehicle upon a contribution made to an eligible nonprofit scholarship-funding organization, and provides for dissemination of funds by the licensed dealer, tax collector or designated agent, or private tag agency to the Florida Department of Revenue.

Effective 07/01/2018

Ch. Law 2018-007 - Military and Veterans Affairs (HB 29-Ponder, Renner)

Effects or Creates the following Florida Statutes: 295.21, 295.22, 446.041, 446.081, 455.02, 456.024, 472.015, 472.016, 493.6105, 493.6107, 493.3116, 494.00312, 497.14, 497.141, 497.281, 497.368, 497.369, 497.37, 497.371, 497.373, 497.374, 497.375, 497.453, 497.466, 497.554, 497.602, 501.015, 501.605, 501.607, 501.609, 507.03, 517.12, 527.02, 539.001, 559.904, 559.928, 626.171, 626.732, 626.7851, 626.8311, 626.8417, 626.927, 633.414, 633.44, 1002.37, 1003.42, 1012.55, 1012.56, 1012.59, 497.393, 250.483, 683.147

Revises licensure eligibility requirements and waives certain licensure fees for military members, veterans, and their families, and authorizes licensing authorities to recognize certain military-issued credentials for purposes of certain licensures. Designates March 25 of each year as "Medal of Honor Day."

Effective 07/01/2018

Ch. Law 2018-013 - Controlled Substances (HB 21-Boyd)

Effects or Creates the following Florida Statutes: 456.072, 456.44, 458.3265, 458.331, 459.0137, 459.015, 463.0055, 465.0155, 465.0276 782.04, 893.03, 893.04, 893.055, 893.0551, 893.13, 893.135, 893.147, 921.0022, 456.0301

Expands the use of the Prescription Drug Monitoring Program (PDMP), increasing regulation of prescribers and dispensers, amending criminal laws, and making appropriations. Limits the prescription for a Schedule II opioid for acute pain to a 3-day supply, or a 7-day supply if deemed medically necessary by the prescriber. Excludes pain related to cancer, terminal illness, palliative care, and serious traumatic injury from these prescribing limits. Requires regulatory boards within the Department of Health (DOH) to adopt rules establishing guidelines for prescribing controlled substances for acute pain. Prohibits any person from possessing, purchasing, delivering, selling, or possessing with intent to sell or deliver a tableting machine, an encapsulating machine, or controlled substance counterfeiting materials with knowledge, intent, or reasonable cause to believe that it will be used to manufacture a controlled substance or counterfeit controlled substance, and sets penalties. Conforms the state controlled substances schedule to the federal controlled substances schedule.

Effective 07/01/2018

Ch. Law 2018-046 - Minimum Officer Qualifications (HB 333-Burgess)

Effects or Creates the following Florida Statutes: 626.989, 394.1, 943.13, 943.131, 943.133, 943.13

Adds an exemption to the basic recruit training program for an applicant who has served in the special operations forces of the U.S. military for at least 5 years, provided there is no more than a 4-year break from the applicant's special operations forces experience at the time of application. Defines special operations forces to include servicemembers of the Army 75th Ranger Regiment; the Navy SEALs and Special Warfare-Craft Crewman; the Air Force Combat Control, Pararescue, and Tactical Air Control Party specialists; the Marine Corps Critical Skills Operators; and any other component of the Special Operations Command approved by the Criminal Justice Standards and Training Commission (Commission). The Commission may require an exempt applicant to complete additional training as it deems appropriate, based on the applicant's prior training and experience.

Effective 07/01/2018

Ch. Law 2018-051 - Alarm Confirmation (HB 539-Cortes B.)

Effects or Creates the following Florida Statutes: 489.529

Expands the modes of confirming an alarm signal to include sending a text message, or communicating through other electronic means. Requires that attempts by monitoring personnel to confirm an alarm signal be made to the owner, occupant, or an authorized designee, associated with the premises generating the signal, instead of to a telephone number associated with the premises.

Effective 07/01/2018

Ch. Law 2018-054 - Missing Persons (HB 591-Porter)

Effects or Creates the following Florida Statutes: 683.231, 937.041

Expands "Project Leo" statewide and permits a Center for Autism and Related Disabilities at any state university to participate in a program providing personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement. Makes the University of Florida responsible for developing criteria for the selection of participants in the project and removes the requirement that Florida Atlantic University and University of South Florida develop similar criteria. Removes the requirement that each participating center submit a preliminary and final report to the Governor and legislature, and extends the project to June 30, 2019.

Effective 07/01/2018

Ch. Law 2018-060 - Public Records/Nationwide Public Safety Broadband Network (HB 755-Williamson)

Effects or Creates the following Florida Statutes: 119.071

Creates a public record exemption for information relating to the Network that is held by an agency if release of such information would reveal the design, development, construction, deployment, and operation of network facilities; network coverage, including geographical maps indicating actual or proposed locations of network infrastructure or facilities; features, functions, and capabilities of network infrastructure and facilities; features, functions, and capabilities of

network services provided to first responders and other network users; design, features, functions, and capabilities of network devices provided to first responders and other network users; or security, including cybersecurity, of the design, construction, and operation of the network and associated services and products. Provides for repeal of the exemption on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

Effective 07/01/2018

Ch. Law 2018-064 - Public Records / Addiction Treatment Facility (HB 1055-Dubose)

Effects or Creates the following Florida Statutes: 119.071

Exempts from public record requirements information about certain persons who work in government owned-substance abuse treatment facilities and their families (home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, nurses, and clinical employees of addiction treatment facilities). Exempts from public record requirements the home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such persons. Exempts from public record requirements the names and locations of schools and day care facilities attended by the children of those persons. Defines addiction treatment facility as a facility licensed pursuant to s. 397.401, F.S., as a substance abuse service provider; provides substance abuse prevention, intervention, or clinical treatment; and is owned by a county government, or agency thereof.

Effective 07/01/2018

Ch. Law 2018-067 - Joint Task Force on State Agency Law Enforcement Communications (HB 1177-Ingoglia)

Effects or Creates the following Florida Statutes: 282.709

Adds a representative of the Florida Sheriffs Association to the task force, appointed by the president of the Florida Sheriffs Association. Requires per diem and travel expenses related to the task force incurred by the representative of the Florida Sheriffs Association to be paid by the sheriff's office that employs the representative.

Effective 07/01/2018

Ch. Law 2018-080 - Taxes and Fees for Veterans and Low-income Persons (SB 100-Steube)

Effects or Creates the following Florida Statutes: 205.171, 322.051, 322.135, 322.14, 205.055

Adds Veteran Identification Cards and Veteran Health Identification Cards to the list of acceptable documents to obtain 'veteran' status. Removes the fees for adding the word "Veteran" to an identification card or driver license, and prohibits tax collectors from charging a \$6.25 for any driver license transaction for a veteran. Creates an exemption from local business taxes for honorably discharged veterans and their spouses, un-remarried surviving spouses of such veterans, spouses of certain active duty military servicemembers, and low-income persons who engage in or manage a business, profession, or occupation.

Effective 07/01/2018

Ch. Law 2018-083 - Unlawful Detention by a Transient Occupant (SB 566-Young)

Effects or Creates the following Florida Statutes: 82.045

Revises factors that establish a person as a transient occupant of residential property. Provides that a transient occupant is entitled to personal belongings left on the residential property, and authorizes a former transient occupant, under certain circumstances, to bring a civil action for damages or recovery of personal belongings.

Effective 07/01/2018

Ch. Law 2018-084 - Department of Agriculture and Consumer Services (DOACS) (SB 740-Stargel)

Effects or Creates the following Florida Statutes: 316.565

Addresses various issues related to agriculture and certain powers and duties of the DOACS. Codifies the State Agricultural Response Team within DOACS and assigns certain duties in coordination with Division of Emergency Management; Prohibits ringless direct-to-voicemail solicitation telephone calls under Florida's Do Not Call (DNC) statute and adds the opportunity for businesses to add their telephone numbers to the DNC list; Defines the Commissioner of Agriculture's authority to waive fees during emergencies, and authorizes the Florida Department of Transportation (FDOT) to issue electronic verification of permits during a declared state of emergency, which certain law enforcement officers are required to accept.

Effective 07/01/2018

Ch. Law 2018-092 - Reports Concerning Seized or Forfeited Property (HB 547-Killebrew)

Effects or Creates the following Florida Statutes: 932.7061

Revises the deadline for an annual report by law enforcement agencies concerning property seized or forfeited under the Florida Contraband Forfeiture Act from October 10 to December 1.

Effective 07/01/2018

Ch. Law 2018-099 - Daylight Saving Time (HB 1013-Nunez & Fitzenhagen)

Declares the Legislature's intent to observe Daylight Savings Time year-round throughout the entire state if federal law is amended to permit states to take such action.

Effective 07/01/2018

Ch. Law 2018-100 - Exploitation of a Vulnerable Adult (HB 1059-Burton)

Effects or Creates the following Florida Statutes: 415.107, 825.101, 901.15, 825.1036, 825.1035

Creates a cause of action for an injunction prohibiting exploitation of a vulnerable adult. Specifies who may file for an injunction, identifies proper venue, and details a procedural framework for the parties and court. Requires the clerk of the circuit court to perform specific duties and sets a fee for filing a petition. Creates a sworn petition form for parties filing an injunction. Allows the court to grant a temporary injunction under certain circumstances and provides standards for the court to follow when issuing an injunction. Provides direction for effecting service of process. Identifies forms of relief the court may grant to a vulnerable adult in issuing an injunction, including temporary and exclusive use of a shared residence, freezing the assets and credit lines of the vulnerable adult, and freezing assets of the individual exploiting the

vulnerable adult where assets are traceable to the exploitation. Requires sheriff or law enforcement agency to assist the court and clerks of court with specific tasks in issuing and executing an injunction. Creates criminal penalties for violating an injunction and authorizes law enforcement to arrest an individual who has violated the terms of an injunction. Limits the liability of financial institutions for freezing assets or credit lines.

Effective 07/01/2018

Ch. Law 2018-103 - Child Welfare (HB 1079-Burton)

Effects or Creates the following Florida Statutes: 322.09, 402.305

Provides that child care facilities, family day care homes, and large family child care homes must provide parents of supervised children with information on the dangers of leaving children unattended in vehicles. Specifies that DCF require facilities to use procedures to ensure that children are not left in vehicles when being transported using facility-owned or operated vehicles as a condition of licensure. Limits liability and prohibits auto insurance premium increases for a caregiver who signs a learner's driver's license application for a child in the child welfare system.

Effective 07/01/2018

Ch. Law 2018-105 - Sexual Offenders and Predators (HB 1301-Fitzenhagen)

Effects or Creates the following Florida Statutes: 775.21, 943.0435

Reduces the number of days used to determine residency from 5 to 3 for sexual predators or sexual offenders to register. If the court does not impose a prison sentence, the penalty for failure to register after July 1, 2018, carries a mandatory minimum sentence. First offense is 6 months of community control with electronic monitoring. Second offense is 1 year of community control with electronic monitoring. Third offense is 2 years of community control with electronic monitoring.

Effective 07/01/2018

Ch. Law 2018-118 - Taxation (HB 7087-Ways and Means)

Effects or Creates the following Florida Statutes: 318.14, 318.15, 320.08

Provides for a nine percent reduction in civil penalties for persons who are cited for a noncriminal traffic infraction, and who elect to attend a Basic Driver Improvement Course. Revises the percentage of civil penalties that are deposited into the State Courts Revenue Trust Fund. Revises that a truck tractor or heavy truck, not operated as a for-hire vehicle and which is engaged exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products within the state is eligible for a restricted license plate.

Effective 07/01/2018

Ch. Law 2018-127 - Criminal Justice (SB 1392-Brandes)

Effects or Creates the following Florida Statutes: 20.315, 907.043, 921.0024, 943.0582, 985.12, 985.125, 985.145, 900.05, 985.126, 943.687, 945.041, 901.4

- Creates a model of uniform criminal justice data collection.
- Defines terms related to data collection.

- Requires the clerks of court, state attorneys, public defenders, county detention facility administrators, and Department of Corrections to collect specified data on a biweekly basis and report it to FDLE on a monthly basis.
- Requires FDLE to publish the data collected on the FDLE's website and make it searchable and accessible to the public.
- Provides that any clerk of the court or county detention facility that does not comply with the required data collection is ineligible to receive funding from the General Appropriations Act, any state grant program administered by the FDLE, or any other state agency for five years after the date of noncompliance.
- Requires additional information to be reported in the annual report for pretrial release programs; Digitizes the Criminal Punishment Code sentencing scoresheet;
- and Authorizes a pilot project in the Sixth Judicial Circuit for the purpose of improving criminal justice data transparency.
- Provides for establishment of civil citation or similar prearrest diversion programs for adults and juveniles.
- Permits local communities and public or private educational institutions to adopt a model prearrest diversion program for adults and provides guidelines for the establishment of such programs.
- Requires a civil citation or similar prearrest diversion program for juveniles to be established in each judicial circuit in the state and outlines criteria that each civil citation or similar prearrest diversion program must specify in developing such program.
- Requires FDLE to adopt rules to provide for the expunction of a nonjudicial record of the arrest of a minor who has successfully completed a diversion program.
- Requires each diversion program to submit data that identifies each minor participating in the diversion program to the Department of Juvenile Justice (DJJ). The DJJ must compile and semiannually publish the data on the department's website.

Effective 07/01/2018

Ch. Law 2018-128 - Written Threats to Conduct Mass Shootings or Acts of Terrorism (HB 165-McClain)

Effects or Creates the following Florida Statutes: 794.056, 836.1, 921.0022, 938.085

Expands upon statutes related to written threats to include social media, as current law requires the threat to be sent directly to an individual. Prohibits a person from making a threat in writing or other record, including an electronic record, to conduct a mass shooting or act of terrorism. Prohibits posting or transmitting the threat in any manner that would allow any other person to view the threat.

Effective 07/01/2018

Ch. Law 2018-129 - Redirection of Fees to Tax Collectors (HB 185-Mariano)

Effects or Creates the following Florida Statutes: 322.12, 322.21

Provides when a tax collector administers a subsequent driver license knowledge or skills test, the tax collector retains the fee, minus the general revenue surcharge. Provides when a tax collector processes the fee for reinstatement of a driver license following a suspension or

revocation, the tax collector retains a portion of the fee. The remainder of the fee is deposited into the Highway Safety Operating Trust Fund and the General Revenue Fund.

Effective 07/01/2018

Ch. Law 2018-130 - Motor Vehicles (HB 215-Payne)

Effects or Creates the following Florida Statutes: 212.05, 216.003, 316.008, 316.303, 316.614, 320.01, 320.02, 320.08, 322.03, 322.12, 324.021, 403.415, 655.96, 316.2071, 334.352

Defines "autocycle" and revises the definition of "motorcycle." Requires safety belt usage by autocycle operator/passenger under the age of 18, and authorizes autocycle operation without a motorcycle endorsement. Defines "mobile carrier," and authorizes a mobile carrier to operate on sidewalks and crosswalks with all the rights and duties applicable to a pedestrian under the same circumstances, except that the mobile carrier must not unreasonably interfere with pedestrians or traffic and must yield the right-of-way to pedestrians on the sidewalk or crosswalk.

Effective 07/01/2018

Ch. Law 2018-133 - Beverage Law (HB 667-Perez)

Effects or Creates the following Florida Statutes: 561.57

Requires that licensee's identity and age be verified and documented at time of delivery, and requires that deliveries comply with age requirements for selling, giving, or serving alcoholic beverages. Allows alcoholic beverage vendors to make deliveries based on "electronic" orders in the same manner as telephone and mail orders. Authorizes vendors to deliver alcoholic beverages in third-party vehicles, including common carriers, pursuant to a contract between the vendor and the third party. By acceptance of an alcoholic beverage license and the use of such vehicles, a licensee is presumed to agree to inspection of its delivery vehicle without a search warrant during business hours or other times the vehicle is being used to transport or deliver beverages, for the purpose of ascertaining that all provisions of the alcoholic beverage laws are complied with, by authorized employees of the division and also by sheriffs, deputy sheriffs, and police officers.

Effective 07/01/2018

Ch. Law 2018-138 - Alcoholic Beverages (HB 1265-Miller)

Effects or Creates the following Florida Statutes: 565.02

Removes certain liquor bottle size restrictions for operators of intrastate railroads and sleeping cars, and removes the requirement that operators of intrastate railroads and sleeping cars keep alcoholic beverages intended for sale on passenger trains and alcoholic beverages intended for sale in railroad transit station be separate.

Effective 07/01/2018

Ch. Law 2018-145 - Transportation (HB 141-Harrison)

Effects or Creates the following Florida Statutes: 338.155, 338.222, 338.26, 348.0003

Exempts a law enforcement officer from paying a toll on a toll facility when operating a marked official vehicle while on official law enforcement business. Revises provisions relating to

contracting and negotiation between FDOT and local governmental entities for acquisition, construction, or operation of turnpike projects.

Effective 07/01/2018

Ch. Law 2018-161 - Transportation Facility Designations (SB 382-Book)

Provides honorary designations of transportation facilities around the state, and directs FDOT to erect suitable markers designating the facilities. Honorary designations, by county, include:

- **Bay** – Harold Haynes Memorial Pedestrian Bridge
- **Broward** – Deputy Ryan Seguin Memorial Highway, Trooper Stephen G. Rouse Memorial Highway, Patricia Angella Barrett Lewis and Charlton Pernell Lewis Avenue, Submarine Veterans Memorial Highway
- **Duval** – Jim Tullis Memorial Boulevard, Benolken Parkway
- **Hillsborough** – Fortune Taylor Bridge, Nick Capitano Memorial Road, Gonzmart Memorial Road, Pepin Memorial Road, Barkett Memorial Road, Jim Holmes Memorial Road, Stevie LaDue Giving Hope Highway
- **Jefferson** – Lance Corporal Clemon ‘Clyde’ Alexander Memorial Drive
- **Lake** – Tera Ross Memorial Interchange, Sheriff Chris Daniels Memorial Highway
- **Leon** – Deputy Christopher Smith Memorial Highway, CK Steele Memorial Highway
- **Miami-Dade** – Joseph Emmanuel ‘Manno’ Charlemagne Street, Steve Mainster Memorial Drive, John J. Brunetti, Sr. Avenue
- **Marion** – Nelle W. Needham Memorial Highway
- **Okaloosa** – John B. Arnold, Jr., Memorial Highway, Deputies Tony Forgione and Bill Myers Memorial Bridge, SFC William Kelly Lacey Memorial Highway, Deputies Skip York and Burt Lopez Memorial Highway
- **Orange** – Elias ‘Rico’ Piccard Memorial Overpass
- **Osceola** – Officer Matthew Baxter and Sergeant Richard Sam Howard, III 123 Boulevard
- **Palm Beach** – Richard Jason Randolph Memorial Bridge
- **Pinellas** – Gold Star Family Memorial Bridge, dedicated to U.S. Army CPL Frank R. Gross
- **Santa Rosa and Okaloosa** – Senator Greg Evers Memorial Highway
- **Seminole** – Dr. R.C. Sproul Way, Deputy Matt Miller Memorial Boulevard
- **St. Johns** – Nona and Popa Road
- **Volusia** – Amos Walter Atchley Memorial Highway, David G. Ledgerwood Memorial Highway
- **Walton** – Lieutenant Ewart T. Sconiers Highway

Effective 07/01/2018

The following bills take effect October 1, 2018:

Ch. Law 2018-042 - Motor Vehicle Registration Applications (HB 135-Ausley)

Effects or Creates the following Florida Statutes: 320.02, 320.27

Requires DHSMV to include language on the motor vehicle registration application that allows a deaf or hard of hearing applicant to indicate voluntarily that he or she is deaf or hard of hearing. This notation will be included through the Driver and Vehicle Information Database and available through the Florida Crime Information Center system. Changes the name of the organization authorized to receive a voluntary \$1 contribution on the registration application from Prevent Blindness to Preserve Vision.

Effective 10/01/2018

Ch. Law 2018-049 - Theft (HB 491-Roth)

Effects or Creates the following Florida Statutes: 812.014, 932.701

Makes it grand theft and a third-degree felony if the property stolen is a commercially farmed animal, a bee colony of a registered beekeeper, or an aquaculture species raised at a certified aquaculture facility. Defines a commercially farmed animal to include any animal of the equine, bovine, or swine class or other grazing animal. A third-degree felony is punishable by up to five years in prison and up to a \$5,000 fine. If the stolen property is an aquaculture species raised at a certified aquaculture facility, the crime carries a mandatory \$10,000 fine. Amends the law to include avian class animals to the category of commercially farmed animals. Extends the mandatory \$10,000 fine to theft of commercially farmed animals and bee colonies, in addition to aquaculture species raised at a certified aquaculture facility.

Effective 10/01/2018

Ch. Law 2018-087 - Animal Welfare (SB 1576-Stuebe)

Effects or Creates the following Florida Statutes: 828.12, 921.0022, 823.151

Requires a public or private animal shelter, humane organization, or animal control agency operated by a humane organization or by a county, municipality, or other incorporated political subdivision that takes receivership of lost or stray dogs or cats to adopt written policies and procedures to ensure that every reasonable effort is made to quickly and reliably return owned animals to their owners. Increases the offense severity ranking for aggravated animal cruelty from level three to level five under Criminal Punishment Code. Requires specified records be available to the public, and authorizes the court to prohibit certain offenders from owning or having custody or control over animals.

Effective 10/01/2018

Ch. Law 2018-093 - Subpoenas in Investigations of Sexual Offenses (HB 581-Latvala)

Effects or Creates the following Florida Statutes: 934.255

Creates a new provision to prevent a subpoena recipient from disclosing the existence of the subpoena in certain investigations involving the sexual abuse of a child, without the need for a court order. Authorizes an investigative or law enforcement officer to:

- Use a subpoena to obtain information pertaining to a subscriber or customer, other than contents of a communication (without notice to the subscriber or customer of an electronic communications service provider or remote computing service provider).
- With prior notice, or delayed notice, use a subpoena to obtain contents of a communication that has been in electronic storage for more than 180 days.

Allows an investigative or law enforcement officer to prohibit the subpoena recipient from disclosing to any person, for 180 days, the existence of the subpoena or delay the required notification. A court may grant an extension of the nondisclosure period or delay notification. Specifies other related procedures including the manner in which a subpoena recipient can obtain relief from the subpoena or nondisclosure requirement; the manner in which an investigative or law enforcement officer may retain subpoenaed records after an investigation is closed; the manner in which compliance with a subpoena may be compelled; and manner of compensating a subpoenaed witness.

Effective 10/01/2018

Ch. Law 2018-101 - Expunction of Criminal History Records (HB 1065-Eagle, Jones)

Effects or Creates the following Florida Statutes: 943.0585, 943.059

Expands eligibility for court-ordered expunction to include a person who received a judgement of acquittal by a judge or a not guilty verdict, whether by judge or jury. A person seeking expunction of a judgment of acquittal or not guilty verdict is no longer required to first seal the record for ten years, if otherwise eligible for expunction. Grants FDLE the authority to deny a certificate of eligibility based on a disqualifying offense.

Effective 10/01/2018

Ch. Law 2018-124 - Workers' Compensation Benefits for First Responders (SB 376-Book)

Effects or Creates the following Florida Statutes: 112.1815

Revises standards for determining compensability of employment-related post-traumatic stress disorder (PTSD) under workers' compensation for first responders, which includes volunteers or employees engaged as law enforcement officers, firefighters, emergency medical technicians, and paramedics. Allows first responders that meet certain conditions to access indemnity and medical benefits for PTSD without an accompanying physical injury. Authorizes compensation of indemnity benefits for PTSD if the first responder is diagnosed with PTSD by the employer's or carrier's authorized treating psychiatrist following certain death-related events that were experienced while acting in the course and scope of his or her employment. Eligible claims must be filed within 30 days of the event or manifestation of the PTSD, but no later than one year after the event. Requires an employing agency of a first responder, including volunteer first responders, to provide educational training related to mental health awareness, prevention, mitigation, and treatment.

Effective 10/01/2018

Ch. Law 2018-151 - Trespass on Airport Property (HB 523-Cortes, B.)

Effects or Creates the following Florida Statutes: 810.09

Increases criminal penalties from a first-degree misdemeanor to a third-degree felony where an offender trespasses on the operational area of an airport with the intent to: injure another person, damage property, or impede the operation or use of an aircraft, runway, taxiway, ramp or apron area. Defines "operational area of an airport" as any portion of an airport to which access by the public is prohibited by fences or appropriate signs and includes runways, taxiways, ramps, apron areas, aircraft parking and storage areas, fuel storage areas, maintenances areas, and any other

area of an airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft. Requires specific signage be posted in order for a trespasser to be prosecuted.

Effective 10/01/2018

The following bills take effect January 1, 2019:

Ch. Law 2018-027 - Vessel Safety Inspection Decals (SB 1132-Hutson)

Effects or Creates the following Florida Statutes: 327.7

Allows the Florida Fish and Wildlife Conservation Commission (FWC) to designate, by rule, the timeframe for expiration (between one and five years) and design of the safety inspection decal, which currently has no expiration date.

Effective 01/01/2019

Ch. Law 2018-032 - Voter Registration List Maintenance (HB 85-Spano)

Effects or Creates the following Florida Statutes: 98.075

Allows the Department of State (DOS) to become a member of a nongovernmental entity whose membership is composed solely of election officials of state governments for the purpose of sharing and exchanging information to maintain the statewide voter registration system. Such membership may also include election officials of the District of Columbia. Provides the DOS may only become a member of a nongovernmental entity if it is controlled or operated by the participating jurisdictions. The DOS must retain the ability to withdraw its membership from the nongovernmental entity at any time. The DOS may only share confidential and exempt information after becoming a member in a nongovernmental entity if each member agrees to maintain the confidentiality of the information. Additionally, if DOS becomes a member of a nongovernmental entity, its bylaws must provide that each member and the entity itself maintain the confidentiality of any information as required by the laws of the jurisdiction supplying the information. If DOS becomes a member of a nongovernmental entity, it must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1 of each year. Requires DHSMV to submit certain information to DOS for the purpose of sharing the information with a nongovernmental entity.

Effective 01/01/2019

The following bill takes effect July 1, 2019:

Ch. Law 2018-071 - Clerks of Court (HB 1361-Clemons)

Effects or Creates the following Florida Statutes: 43.19, 45.031, 45.032, 45.033, 45.034, 45.035, 318.1451, 717.113, 717.124, 717.138, 717.1401

Requires driver improvement course providers to submit course completion information to the appropriate clerk of the circuit court, through the Florida Courts E-Filing Portal, within three days of the school's receipt of the course completion certificate number from DHSMV. Drivers will no longer be liable for filing the certificate with the clerk.

Effective 07/01/2019

Ch. Law 2018-137 - **Airboat Regulation (HB 1211-Abruzzo)**

Effects or Creates the following Florida Statutes: 327.391

Creates “Ellie’s Law,” and provides a person may not operate an airboat for hire on waters of the state without the following onboard:

- A photographic identification card.
- Proof of either a completion of an FWC-approved boater education course that meets the minimum eight-hour instruction requirement established by the National Association of State Boating Law Administrators, or a captain’s license issued by the United States Coast Guard.
- Proof of successful completion of an FWC-approved airboat operator course that meets the minimum standards established by FWC rule.
- A certificate of successful course completion in cardiopulmonary resuscitation and first aid.

Provides that a person who violates the airboat operating provisions commits a misdemeanor of the second degree, punishable by up to 60 days imprisonment or a \$500 fine.

Effective 07/01/2019

The following bills take effect upon approval by a majority vote of electors at a future election:

Ch. Law 2018-166 - **Martin County (HB 395-Magar)**

Provides the charter to create the Town of Hobe Sound, establishing municipal powers, town council and employees.

Supermajority Vote for State Taxes or Fees (HJR 7001-Ways & Means)

Proposes amendment to State Constitution to prohibit a state tax or fee from being imposed or raised except through legislation approved by two-thirds of the membership of each house of the legislature, and requires a state tax or fee imposed or raised to be contained in separate bill that contains no other subject.