



Terry L. Rhodes
Executive Director

2900 Apalachee Parkway
Tallahassee, Florida 32399-0500
www.flhsmv.gov

December 7, 2021

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: Kevin Jacobs
Legislative Affairs Director

SUBJECT: 2021 Legislation Affecting Traffic and Motor Vehicle Law

The following memorandum is a courtesy summary of the legislative changes relevant to the department and its stakeholders enacted during the 2021 Legislative Session. **The Department of Highway Safety and Motor Vehicles (FLHSMV) respectfully recommends that your agency carefully review the complete version of any statutory changes prior to revising any policies or operational protocols.**

Bills may be obtained from the Department of State, the distribution offices of the Florida House and Senate, or Florida Legislature official website at www.leg.state.fl.us. Links to Chapter Law are embedded in the document but are not maintained by FLHSMV. Please do not hesitate to contact FLHSMV, 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. 006 “Combating Public Disorder” \(HB 001 – Fernandez-Barquin\)](#)

Florida Statutes, Chapters: 166, 316, 768, 784, 806, 810, 812, 836, 870, 872, 921

The bill updates and defines the previously unspecified crimes of affray, rioting, and inciting a riot and creates new crimes and/or enhanced penalties for:

- Aggravated rioting and aggravated inciting a riot.
- Mob intimidation: prohibiting a mob from forcefully compelling or attempting to compel another person to do, or refrain from doing, any act or to assume, abandon, or maintain a particular viewpoint
- Defacing, damaging, destroying, or pulling down a memorial or historic property.
- Cyberintimidation by publication: prohibiting a person from publishing another person's identification information with the intent to incite violence or the commission of a crime against the person or to threaten or harass the person.

The bill increases the minimum sentence for specified crimes committed in furtherance of a riot, and enhances penalties for:

- Specified burglary and theft offenses committed during a riot when facilitated by conditions arising from the riot.
- Assault or battery when committed in furtherance of a riot

The bill requires a person arrested for specified offenses related to rioting and unlawful assembly to be held in jail until he or she appears for a first appearance hearing and a court determines bond.

The bill waives sovereign immunity for tort claims arising from a riot or unlawful assembly if the governing body of a municipality breaches its statutory duty to allow law enforcement to respond appropriately to protect persons and property during a riot or unlawful assembly. The bill also creates an affirmative defense in a civil action arising from a riot if the plaintiff's injury or damage was sustained as a result of participating in a riot.

Effective Date 04/19/2021

[Ch. 019 “Public Records – Public Emergency Shelter” \(HB 327 – Rommel\)](#)

Florida Statutes, Chapter 252

The bill creates a public record exemption for the address and telephone number of a person provided to a public emergency shelter during a storm or other catastrophic event held by an agency that provided the emergency shelter.

Effective Date 05/07/2021

[Ch. 048 “Public Records –Domestic Violence Centers” \(SB 068 – Garcia\)](#)

Florida Statutes, Chapter 119

The bill creates a public records exemption for certain personal information of current or former staff and domestic violence advocates of certified domestic violence centers, their spouses, and children.

Effective Date 06/04/2021

[Ch. 064 “False Reports of Crimes” \(HB 371 – Brannan\)](#)

Florida Statutes, Chapters: 817, 921

The bill requires a court to order a person convicted of making a false report of a crime to pay full restitution for any cost incurred by a responding public safety agency. A “public safety agency” is defined as a law enforcement agency, professional or volunteer fire department, emergency medical service, ambulance service, or other public entity that dispatches or provides first responder services to respond to crimes, to assist victims of crimes, or to apprehend offenders.

Effective Date 06/04/2021

[Ch. 156 “Sexual Offender Registration” \(SB 234 – Book\)](#)

Florida Statutes, Chapter 943

The bill clarifies current law by providing that, for purposes of sexual offender registration, a sanction does not include a fine, and if no sanction is imposed upon a person’s conviction for a qualifying offense, he or she is deemed to be released upon conviction, and required to register as a sexual offender. The bill also clarifies current law to ensure that a sexual offender serving a prison sentence or other term of supervision under the custody or control of the Department of Corrections (DOC) or a private facility and therefore required to register with DOC is not also required to register with his or her local sheriff’s office.

The bill provides legislative findings that the Second District Court of Appeal’s opinion in *State v. James* is contrary to legislative intent and that:

- A person's failure to pay a fine does not relieve him or her of the requirement to register as a sexual offender under s. 943.0435, F.S.; and
- The Legislature intends that a person must register as a sexual offender pursuant to s. 943.0435, F.S., when he or she has been convicted of a qualifying offense and, on or after October 1, 1997, has:
 - o No sanction imposed upon conviction; or
 - o Been released from a sanction imposed upon conviction.

Effective Date 06/22/2021

[Ch. 200 “Safety of Religious Institutions” \(HB 259 – Byrd\)](#)

Florida Statutes, Chapter 790

The bill authorizes a licensee to carry a concealed firearm for any lawful purpose, including safety, security, and personal protection, on any property owned, rented, leased, borrowed, or lawfully used by a church, synagogue, or other religious institution. The bill does not limit the private property rights of a church, synagogue, or other religious institution to exercise control over property that the church, synagogue, or other religious institution owns, rents, leases, borrows, or lawfully uses. Religious institutions and owners of property borrowed or used by a religious institution may continue to prohibit firearms as they choose.

Effective Date 06/29/2021

The following bills take effect July 1, 2021:

[Ch. 020 “Bicycle Operation Regulations” \(HB 353 Hage\)](#)

Florida Statutes, Chapter 316

The bill authorizes a bicycle to be operated without a seat if it was designed by the manufacturer to be operated without one.

The bill also provides that current law on electric bicycle regulation does not prevent a municipality, county, or agency of the state with jurisdiction over a beach or dune from restricting or prohibiting the operation of an electric bicycle on such beach or dune.

Effective Date 07/01/2021

[Ch. 030 “Beverage Law” \(SB 148 – Bradley\)](#)

Florida Statutes, Chapters: 316, 561, 564, 565

The bill allows restaurants with a special food service (SFS) quota exemption license to sell or deliver certain alcoholic beverages in a sealed container to-go, if accompanied by food. In order for certain non-SFS licensees to prepare and sell drinks for off premises consumption, the licensee must be licensed as a public food service establishment, the sale of food and nonalcoholic beverages must account for at least 40% of the total charge for the order, and such sales may not occur after the licensee stops preparing food on the licensed premises for the day or after midnight, whichever is earlier.

The bill prescribes the manner in which drinks prepared by licensees for off-premises consumption must be sealed, packaged, and handled before consumption, and clarifies that a sealed drink transported in accordance with the requirements of the bill is not an open container.

Effective Date 07/01/2021

[Ch. 054 “Fish and Wildlife Conservation Commission Trust Funds” \(SB 524 – Hooper\)](#)*Florida Statutes, Chapters: 320, 379*

The bill revises fee use provisions of the Save the Manatee specialty license plate. The bill authorizes FWC to invest and reinvest funds in the following trust funds:

- Florida Panther Research and Management Trust Fund
- Invasive Plant Control Trust Fund
- Marine Resources Conservation Trust Fund
- Nongame Wildlife Trust Fund
- Save the Manatee Trust Fund
- State Game Trust Fund

The bill authorizes FWC to pay administrative costs with the following trust funds:

- Florida Panther Research and Management Trust Fund
- Invasive Plant Control Trust Fund
- Save the Manatee Trust Fund

Effective Date 07/01/2021

[Ch. 090 “Volunteer Ambulance Services” \(HB 805 – Caruso\)](#)*Florida Statutes, Chapters: 316, 401*

The bill exempts a faith-based, non-profit, volunteer ambulance service from the Certificate of Public Convenience and Necessity (COPCN) requirement to provide prehospital life support transport services include basic life support services (BLS) and advanced life support services (ALS) in up to four counties if it has operated in this state for at least 10 consecutive years, and:

- Provides BLS or ALS services by at least 50 volunteer licensed emergency medical technicians or paramedics,
- Distributes no assets or income to its directors, members, or officers,
- Receives no government funds other than proceeds from specialty license plates,
- Provides services free of charge,
- Has never had a license denied, revoked, or suspended,
- Provides a management plan to DOH, and
- Provides a disclaimer that the service is not associated with the state 911 system.

The bill prohibits a local government from limiting, prohibiting, or preventing a volunteer ambulance service from responding to an emergency or providing emergency medical services or transport within its jurisdiction. The bill also prohibits a local government from requiring a volunteer ambulance service to obtain a license or certificate or pay a fee to provide ambulance or nonemergency air ambulance services within its jurisdiction.

The bill allows authorized volunteer ambulance services vehicles to disregard specified traffic laws and ordinances and use emergency lights and sirens while responding to an emergency and authorizes the same for volunteer ambulance service physicians and technicians in their private vehicles when responding to an emergency. The bill requires an emergency medical technician,

doctor, or paramedic of a volunteer ambulance service to complete an emergency vehicle operator course before using a red light in their personal vehicle.

Effective Date 07/01/2021

[Ch. 092 “Domestic Violence Centers” \(SB 092 – Garcia\)](#)

Florida Statutes, Chapter 39

The bill prohibits a person from disclosing the location of a domestic violence center or maliciously publishing, disseminating, or disclosing any descriptive information or image that may identify the location of a domestic violence center. A violation of the prohibition is a first-degree misdemeanor and a second or subsequent violation is punishable as a third-degree felony.

Effective Date 07/01/2021

[Ch. 096 “Motor Vehicle Insurance Coverage Exclusions” \(SB 420 – Hooper\)](#)

Florida Statutes, Chapters: 324, 627,

The bill provides that a private passenger motor vehicle policy may exclude coverages for all claims or suits resulting from the operation of a motor vehicle by an identified individual who is not a named insured, provided the identified individual is named on the declarations page or by endorsement and the named insured consents in writing to such exclusion. Such individual would not be covered for damages that occur if he or she operates a motor vehicle that is insured under a policy that excludes the individual by name. The bill prohibits exclusion for periods when the individual is not operating a motor vehicle covered under the policy (e.g., a passenger in the vehicle), if the exclusion is discriminatory, or if the exclusion is inconsistent with the underwriting guidelines filed by the insurer. The bill also clarifies that the identified individual must comply with existing financial responsibility and security requirements before operating a motor vehicle.

Effective Date 07/01/2021

[Ch. 119 “Injured Police Canine” \(SB 388 – Wright\)](#)

Florida Statutes, Chapters: 401, 474

The bill authorizes an emergency service transport vehicle permit holder to transport a police canine injured in the line of duty to a veterinary clinic or similar facility if no person requires medical attention or transport, and authorizes paramedics and EMTs to provide emergency medical care to an injured police canine at the scene of an emergency or while the canine is being transported.

The bill provides civil and criminal immunity for EMTs and paramedics providing emergency care to an injured police canine and exempts them from the application of the veterinary practice act for providing medical care to a police canine injured in the line of duty.

Effective Date 07/01/2021

[Ch. 165 “Use of Drones by Government Agencies” \(SB 044 – Wright\)](#)

Florida Statutes, Chapters: 934, 330

The bill expands the exceptions to the prohibition on drone surveillance by law enforcement agencies and/or state or local government entities. The bill permits the use of a drone to:

- Provide a law enforcement agency with an aerial perspective of a crowd of 50 people or more, but only if:
 - The head of the law enforcement agency using the drone provides written authorization for such use and maintains a copy of such authorization on file at the agency.
 - The agency establishes policies and procedures, including guidelines for:
 - The agency's use of a drone,
 - The proper storage, retention, and release of images or video captured by the drone, and
 - Addressing the personal safety and constitutional protections of the people being observed.
- Assist a law enforcement agency with traffic management, except that a drone may not be used to issue a traffic infraction citation based on images or video captured by the drone.
- Facilitate a law enforcement agency’s collection of evidence at a crime scene or traffic crash scene.
- Allow a state agency or political subdivision to assess damage during a declared state of emergency due to a natural disaster, or for vegetation or wildlife management on publicly owned land or water.
- Allow certified fire department personnel to perform tasks within the scope and practice of their certification.

The bill requires certain security measures to ensure that the data collected, transferred, or stored by a governmental agency drone is protected from outside interference, including requiring the Department of Management Services (DMS) to publish a list of drone manufacturers approved for governmental agency use and to adopt rules establishing minimum security requirements for governmental agency drone use, consistent with federal guidance on drone security measures. The bill requires a governmental agency using any unapproved drone to submit a comprehensive strategy outlining a plan to discontinue the use of unapproved drones to DMS by July 1, 2022; and discontinue such use of unapproved drones by January 1, 2023.

Effective Date 07/01/2021

[Ch. 171 “Vehicle and Vessel Registration” \(SB 342 – Diaz\)](#)

Florida Statutes, Chapters: 319, 320, 328

The bill provides that if a tax collector elects to exercise his or her authority to contract with a private License Plate Agency (LPA) to provide motor vehicle, mobile home, or vessel title and registration services, the tax collector may determine additional service charges to be collected by the LPA. The additional service charges must be fully itemized and disclosed to the person paying the service charge. The LPA must enter into a contract with the tax collector regarding the disclosure of additional service charges.

The bill requires each tax collector and his or her approved LPAs to enter into a memorandum of understanding with FLHSMV regarding the use of the Florida Real-time Vehicle Information System (FRVIS).

Effective Date 07/01/2021

[Ch. 173 “Public Records” \(SB 400 – Rodrigues \(R\)\)](#)

Florida Statutes, Chapter 119

The bill prohibits an agency from responding to a request to inspect or copy a record by filing an action for declaratory relief against the requester to determine whether the record is a public record or the status of the record as confidential or exempt.

Effective Date 07/01/2021

[Ch. 180 “Bicycle and Pedestrian Safety” \(SB 950 – Book\)](#)

Florida Statutes, Chapters: 212, 316, 322, 655

The bill addresses issues relating to bicycle and pedestrian safety. The bill defines the terms “bicycle lane” and “separated bicycle lane,” and provides requirements for a vehicle overtaking a bicycle or other nonmotorized vehicle, an electric bicycle, or a pedestrian occupying the same travel lane.

The bill requires FLHSMV to provide an awareness campaign regarding vehicles overtaking a bicycle, other nonmotorized vehicle, an electric bicycle, or a pedestrian. The bill also mandates FLHSMV to require at least 25 questions in the test bank for the driver license test to address bicycle and pedestrian safety.

The bill provides that no-passing zones do not apply to drivers who safely and briefly drive to the left of center of the roadway to overtake a bicycle, other nonmotorized vehicle, an electric bicycle, or a pedestrian and requires a vehicle making a right turn while overtaking and passing a bicycle proceeding in the same direction, to do so only if the bicycle is at least 20 feet from the intersection.

The bill authorizes bicyclists riding in groups, after coming to a full stop, to go through an intersection in groups of 10 or fewer, and provides guidelines for riding a bicycle in a substandard-width lane and authorizes riders to ride two abreast if certain conditions exist.

Effective Date 07/01/2021

[Ch. 184 “Operation and Safety of Motor Vehicles and Vessels” \(SB 1086 – Hutson\)](#)

Florida Statutes, Chapters: 316, 327, 328, 376, 823

The bill addresses issues related to boating safety, including revising penalties for failure to submit to impairment tests while operating a vehicle or vessel. The bill provides that a driver who refuses to take a chemical or physical test as a result of a Driving Under the Influence (DUI) arrest and has been previously fined for a refusal related to the operation of a vessel commits a misdemeanor of the first degree and faces an 18-month driver license suspension. The bill also requires that a driver be informed of the consequences of refusal.

The bill addresses derelict vessels by:

- Creating the derelict vessel prevention program.
- Authorizing Florida Fish and Wildlife Conservation Commission (FWC) to relocate an at-risk vessel that is near a mangrove or upland vegetation.
- Requiring a law enforcement officer to provide notice to the owner of a derelict vessel in a certain form.
- Authorizing a law enforcement agency or its designee to remove, destroy, and dispose of a derelict vessel or authorize the vessel's use as an artificial reef under certain circumstances.

FLHSMV may not issue a certificate of title to an applicant for a vessel that has been deemed derelict by a law enforcement officer.

The bill authorizes local governments to adopt an ordinance establishing a slow speed, minimum wake boating-restricted area under certain conditions. The bill also authorizes FWC to establish protection zones that prohibit certain activities to protect and prevent harm to springs.

The bill authorizes certain law enforcement entities, when necessary for space launch or reentry service or for the recovery of spaceflight assets, to temporarily establish a protection zone requiring vessels to leave, or prohibiting vessels from entering, waterbodies within certain parameters.

Effective Date 07/01/2021 **contains multiple effective dates*

[Ch. 186 “Department of Transportation” \(SB 1126 – Harrell\)](#)

Florida Statutes, Chapters: 163, 201, 206, 212, 316, 319, 333, 334, 335, 338, 339

The bill addresses several matters related to the Department of Transportation (DOT). The bill requires motorists to move over for road and bridge maintenance or construction vehicles displaying warning lights.

Additionally, the bill authorizes persons to appear before the Commercial Motor Vehicle Review Board via communications media technology, including video conference technologies.

Effective Date 07/01/2021 **contains multiple effective dates*

[Ch. 187 “Department of Highway Safety and Motor Vehicles” \(SB 1134 – Harrell\)](#)

Florida Statutes, Chapters: 316, 319, 320, 322,

The bill addresses several provisions related to FLHSMV. Specifically, the bill:

- Adopts Federal Motor Carrier Safety Administration (FMCSA) regulations for commercial motor vehicles (CMV).
- Aligns with federal requirements and provides an additional day for CMV drivers to correct certain nonhazardous operating conditions.
- Clarifies that safety belt usage requirements apply to a motor vehicle that is in operation but stationary on the public highways of this state.
- Transfers the authority to conduct compliance reviews on non-public sector buses from the Department of Transportation (DOT) to FLHSMV and makes conforming changes.

- Provides FLHSMV with subpoena authority to investigate complaints related to private rebuilt inspection providers, motor vehicle titles, motor vehicle registrations and dealer and manufacturer licensing, and driver licenses and identification cards.
- Conforms Florida's odometer disclosure requirements to federal regulations.
- Requires motor carriers whose registration has been suspended to return their license plates to FLHSMV.
- Requires FLHSMV to deny registrations under the International Registration Plan (IRP) for motor carriers that fail to disclose material facts on the application or attempt to hide the disclosure of the real party in interest
- Permanently disqualifies anyone convicted of human trafficking with the use of a CMV from obtaining a commercial driver license.
- Provides that a commercial driver license can be valid for no more than eight years.
- Adds texting while driving and using a hand-held mobile telephone while driving as serious disqualifying offenses on a commercial driver license.

Effective Date 07/01/2021

[Ch. 188 "Transportation" \(SB 1194 – Hooper\)](#)

Florida Statutes, Chapters: 177, 287, 311, 316, 318, 319, 320, 337, 338, 339, 343, 348

The bill addresses several provisions related to transportation. Specifically, the bill:

- Authorizes vehicles to display flashing lights on high-speed roads during low visibility.
- Authorizes construction vehicles to display flashing green, amber, and red lights when workers are present.
- Increases the penalties for modifying a motor vehicle exhaust system in a certain manner.
- Requires certain notifications to FLHSMV regarding salvage titles to be on FLHSMV-provided forms.
- Clarifies that permanent registration stickers for for-hire vehicles are only available for rental vehicles.
- Closes a gap in the law regarding insurance and surety bond requirements for motor vehicle dealers.

Effective Date 07/01/2021

[Ch. 189 "Human Trafficking" \(SB 1826 – Diaz\)](#)

Florida Statutes, Chapters: 90, 787, 943, 948

The bill creates a human trafficking victim advocate-victim privilege which mirrors the privilege provided for sexual assault and domestic violence victim advocates. The bill authorizes a human trafficking victim to seek expunction in multiple jurisdictions at the same time for any number of qualifying offenses committed while he or she was a victim of human trafficking and prohibits a clerk of court from charging any fees for a human trafficking victim's petition for expunction.

The bill expands the definitions of "human trafficking" and "obtain" to more closely align with federal law and expands the first degree felony and life felony offenses of human trafficking committed against a child under the age of 18 to also include an adult believed by the offender to be a child

under 18 years of age. The bill encourages state attorneys to adopt a pro-prosecution policy for acts of human trafficking.

Under the bill, a person convicted of sexually related acts of human trafficking must complete sex offender probation.

Effective Date 07/01/2021

[Ch. 196 "Motor Vehicle and Vessel Registration Data" \(HB 139 – Fernandez-Barquin\)](#)

Florida Statutes, Chapters: 320, 328

The bill requires each third party that has contracted with a tax collector and has online computer access to FLHSMV's system to enter into a memorandum of understanding with FLHSMV. The bill authorizes FLHSMV, upon a tax collector's request, to provide ancillary technology to integrate other tax collection systems used by tax collectors in order to provide tax collectors with uniform interface functionalities for registration renewal transactions performed at a tax collector's office or online via a tax collector's website and provides certain technological requirements. Such data and functionality may only be used for specified purposes.

Effective Date 07/01/2021

[Ch. 197 "Recovery of Spaceflight Assets" \(HB 221 – Sirois\)](#)

Florida Statutes, Chapter 331

The bill defines a "spaceflight asset" as any item, or any part of an item, owned by a spaceflight entity which is used in spaceflight activities, including crewed and uncrewed spacecraft, satellites, launch vehicles, parachutes and other landing aids, and any ancillary equipment that was attached to the launch vehicle during launch, orbit, reentry, or recovery.

The bill affirms that a spaceflight entity retains ownership of a spaceflight asset following launch or reentry unless the spaceflight entity expressly indicates its intent to abandon the asset.

Under the bill, any person who finds an item that is reasonably identifiable as a spaceflight asset is required to report the description and location of the spaceflight asset to a law enforcement agency. The bill requires a law enforcement agency that receives such a report to make a reasonable effort to identify and promptly notify the asset's owner that the asset has been found, and permits a law enforcement officer to authorize the owner of a spaceflight asset to enter private property to recover a spaceflight asset after determining exigent circumstances exist.

The bill prohibits a person from knowingly appropriating an item reasonably identifiable as a spaceflight asset to his or her own use, or to the use of any other person not entitled to the asset, or refusing to surrender a spaceflight asset to a law enforcement officer or the owner of the asset upon demand. The bill makes misappropriation of a spaceflight asset a first-degree misdemeanor.

Effective Date 07/01/2021

[Ch. 207 “Interception of Wire, or Electronic Communications Made in Violation of Protective Orders” \(HB 583 – Joseph\)](#)

Florida Statutes, Chapter 934

The bill makes it lawful for a person to intercept and record a communication he or she receives in violation of an active temporary or final injunction for repeat violence, sexual violence, dating violence, stalking, domestic violence, or any other court-imposed prohibition of conduct. The bill allows the recipient to provide such a recording to law enforcement, an attorney, or a court for the limited purpose of proving a violation of an injunction or court order, and only if the subject of the injunction or court order prohibiting contact has been served the injunction or is otherwise on notice that the conduct is prohibited.

Effective Date 07/01/2021

[Ch. 213 “DNA Evidence Collected in Sexual Offense Investigations” \(HB 673 – Slosberg\)](#)

Florida Statutes, Chapters: 943

The bill creates “Gail’s Law” and requires the Florida Department of Law Enforcement (FDLE), no later than July 1, 2023, to create and maintain a statewide database, the purpose of which is to track the location, processing status, and storage of each Sexual Assault Kit (SAK) – also referred to as a “rape kit” – collected after the database is implemented. The database must be accessible by law enforcement, alleged victims, and alleged victims’ parents, guardians, or other representatives. The database must track the status of a SAK from its collection throughout the criminal justice process all the way through the kit’s destruction. The bill requires FDLE to adopt rules and specified entities to participate in the database in accordance with those rules. The bill also requires FDLE to ensure that every victim or victim’s representative is notified that the database exists and is provided with instructions on how to use it.

Under the bill, a victim must be notified when the analysis of his or her SAK results in a DNA match, but such notification must not release any identifying information of the match. Such notification may only be delayed up to 180 days if notifying the required persons would negatively affect an investigation. The bill authorizes FDLE to phase in participation according to region, volume of kits, and other criteria, but requires all entities in the chain of custody to fully participate in the statewide database no later than one year after it is created. The bill also requires FDLE to apply for any available grant funds to assist in implementing the database.

Effective Date 07/01/2021

[Ch. 221 “Protection of Elderly Persons and Disabled Adults” \(HB 1041 – Burton\)](#)

Florida Statutes, Chapters: 16, 732, 733, 736, 825

The bill addresses several provisions related to laws protecting elderly and disabled persons. Specifically, the bill:

- Prohibits a person who commits one of the following offenses on an elderly person or disabled adult from inheriting from the victim’s estate, trust, or other beneficiary assets:
 - Abuse,
 - Neglect,
 - Exploitation, or

- Aggravated manslaughter.
- Authorizes the Office of Statewide Prosecution to investigate and prosecute crimes of elderly and disabled persons.
- Prohibits unreasonable isolation of an elderly person or disabled adult from his or her family members.
- Prohibits seeking out appointment as a guardian, trustee, or agent under power of attorney with the intent to obtain control over the victim or his or her assets for the person or a third party's benefit.
- Prohibits intentional conduct by a person to modify an elderly or disabled victim's estate plan to financially benefit either the person or a third party in a manner inconsistent with the intent of the elderly person or disabled adult.
- Authorizes agents under a durable power of attorney to petition for an injunction for protection against exploitation of a vulnerable adult.

Effective Date 07/01/2021

[Ch. 229 "Victims of Sexual Offenses" \(HB 1189 – Fine\)](#)

Florida Statutes, Chapters: 154, 943

The bill establishes duties and functions for Sexual Assault Response Teams (SART) in Florida. It requires a SART to:

- Meet at least quarterly to ensure a coordinated multidisciplinary response to sexual assault,
- Develop written protocols to govern the team's response to sexual assault, including, but not limited to, procedures for law enforcement response, evidence retention, and victim services,
- Promote and support the use of sexual assault forensic examiners who have received a minimum of 40 hours of specialized training in the provision of trauma-informed medical care and in the collection of evidence in sexual assault cases, and
- Include the following members or their designees:
 - The director of the local certified rape crisis center,
 - A representative from the local county health department,
 - The state attorney,
 - The chief of a police department located in the county,
 - The county sheriff,
 - A forensic sexual assault nurse examiner, and
 - A representative from a local hospital emergency department in the county or region.

The bill requires each county health department, or a county health department's designee, to participate in a SART coordinated by the certified rape crisis center serving a county or region, if a SART exists. The bill specifies that a certified rape crisis center serving a county may coordinate with community partners to establish a SART in a county or region if a SART does not currently exist. The Florida Council Against Sexual Violence (FCASV) must provide technical assistance relating to the development and implementation of the SARTs.

The bill requires the Criminal Justice Standards and Training Commission, in consultation with FCASV, to establish minimum standards for basic skills and continued education training for law enforcement officers that includes a culturally responsive trauma-informed response to sexual assault by July 1, 2022. The bill also requires each new or currently employed law enforcement officer to complete such training before July 1, 2024.

Effective Date 07/01/2021

[Ch. 230 “Courts” \(HB 1197 – Aloupis\)](#)

Florida Statutes, Chapters: 25, 28, 34, 35, 40, 812, 921

The bill addresses several provisions related to the state court system. Specifically, the bill:

- Allows the clerk of the Florida Supreme Court and the clerks of the district courts of appeal to store court records electronically at a remote location.
- Requires the clerks of circuit court to develop a plan to obtain or develop a statewide technological solution that identifies mandatory financial assessments in criminal cases.
- Adjusts the jurisdictional amount of county courts beginning in 2030, and every 10 years afterwards, to account for inflation based on changes in the Consumer Price Index.
- Authorizes a person to postpone jury service for up to one year when a public health emergency or a state of emergency is declared.
- Authorizes fingerprinting when a court enters a judgment in a remote proceeding.

Effective Date 07/01/2021

[Ch. 233 “Autonomous Vehicles” \(HB 1289 – McFarland\)](#)

Florida Statutes, Chapter 316

The bill defines the term “low-speed autonomous delivery vehicle” (LSADV) as a fully autonomous vehicle that meets the current federal definition of low-speed vehicle, and is not designed for, or capable of, human occupancy. The bill authorizes LSADVs to operate only on streets or roads with a posted speed limit of 35 miles per hour or less but does not prohibit such vehicles from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour. An LSADV may operate on a street or road with a posted speed limit of more than 35 miles per hour, but no more than 45 miles per hour, under certain conditions.

The bill provides equipment requirements for LSADVs and provides that these requirements are superseded by any conflicting federal regulations. The bill also provides minimum insurance requirements, which are the same as those currently in law for autonomous vehicles. The bill provides that any motor vehicle equipment laws or regulations relating to or supporting motor vehicle operation by a human driver but not relevant for an automated driving system are inapplicable to fully autonomous vehicles designed to be operated exclusively by the automated driving system for all trips. The bill also clarifies that low-speed autonomous delivery vehicles are not subject to certain statutory provisions applicable to low-speed vehicles, including provisions related to seasonal deliveries and driver license requirements.

The bill revises the current definition of the term “autocycle” to provide that it must have a “steering mechanism” rather than a “steering wheel,” and have brakes meeting federal safety standards for motorcycle brakes, rather than specifying antilock brakes. The bill revises the current definition of “personal delivery device” by removing the 80-pound weight limit and providing that such devices may not exceed the maximum weight to be established by Department of Transportation rule.

Effective Date 07/01/2021

[Ch. 235 “Digital Driver Licenses and Identification Cards” \(HB 1313 – LaMarca\)](#)

Florida Statutes, Chapter 322

The bill requires FLHSMV to establish a secure and uniform system for issuing optional digital proofs of driver licenses and identification cards. FLHSMV may contract with one or more private entities to develop an electronic credentialing system. The electronic credentialing system may not retain Internet Protocol addresses, geolocation data, or other information that describes the location, computer, computer system, or computer network from which a customer accesses the system.

The bill prohibits a private entity from storing, selling, or sharing personal information collected by scanning a digital proof of driver license or identification card unless consent has been provided by the individual. The bill provides that, notwithstanding any law prescribing the design for, or information required to be displayed on, a driver license or identification card, a digital proof of driver license or identification card may comprise a limited profile that includes only information necessary to conduct a specific transaction on the electronic credentialing system.

The bill also provides that a person may not be issued a digital proof of driver license or identification card until he or she satisfies all requirements for issuance of the respective driver license or identification card and has been issued a printed driver license or identification card. The bill establishes penalties for a person who manufactures or possesses a false digital identification card.

Effective Date 07/01/2021

[Ch. 236 “Public Records – Department of Highway Safety and Motor Vehicles” \(HB 1315 – LaMarca\)](#)

Florida Statutes, Chapters: 119

The bill, in conjunction with [Ch. 2021-235](#), creates a public record exemption for the following information held by FLHSMV:

- Secure login credentials held by FLHSMV, and
- Internet protocol addresses, geolocation data, and other information held by FLHSMV which describes the location, computer, computer system, or computer network from which a user accesses a public facing portal, and the dates and times that a user accesses a public-facing portal.

The bill provides that the exemption is retroactive and applies to records held by FLHSMV before, on, or after the effective date of the exemption.

Effective Date 07/01/2021

[Ch. 237 “Public Records – Department of Highway Safety and Motor Vehicles” \(HB 1359 – Brannan\)](#)

Florida Statutes, Chapters: 319, 320, 322

This bill creates four public records exemptions, each making confidential and exempt from public disclosure information received by FLHSMV as part of its investigations or examinations of:

- Suspected violations by private rebuilt inspection providers, or any contract entered into thereunder by such a provider.

- Suspected violations of ch. 319, F.S., relating to motor vehicle titles, or any rule or order thereunder.
- Suspected violations of ch. 320, F.S., relating to motor vehicle dealer and manufacturer licensing, or any rule or order thereunder, and
- Suspected violations of ch. 322, F.S., relating to driver licenses and identification cards, or any rule or order thereunder.

The exemptions shield investigative records until the investigation ceases to be active or administrative action taken by FLHSMV has concluded and/or been made part of any hearing or court proceeding, after which the investigative records are no longer confidential and exempt.

Effective Date 07/01/2021

[Ch. 241 “Law Enforcement and Correctional Officer Practices” \(HB 7051 – Judiciary Committee\)](#)

Florida Statutes, Chapters: 943, 985

The bill makes several changes to the requirements for the operations and standards of law enforcement and correctional agencies and training for law enforcement officers, correctional officers, and correctional probation officers. Specifically, the bill:

- Requires an applicant for employment as a law enforcement officer, correctional officer, or a correctional probation officer to disclose whether he or she is the subject of a pending investigation and whether he or she separated or resigned from previous criminal justice employment while under investigation.
- Requires a law enforcement or correctional agency to include the facts and reasons an applicant was separated from previous employment as part of an employment background check investigation.
- Requires a law enforcement or correctional agency to maintain an officer’s employment information for a minimum of five years following the date of an officer’s termination, resignation, or retirement.
- Requires the Criminal Justice Standards and Training Commission to develop basic skills training and each law enforcement or correctional agency to develop policies in the use of force, including:
 - Proportional use of force and alternatives to use of force, including de-escalation techniques;
 - Limiting the use of a chokehold to circumstances where an officer perceives an immediate threat of serious bodily injury or death to any person;
 - The duty to intervene when an officer is on-duty and witnesses another officer using or attempting to use excessive force when such intervention is reasonable based on the totality of the circumstances and the observing officer may intervene without jeopardizing his or her safety;
 - The duty to render medical assistance following the use of force when an officer knows, or when it is otherwise evident, that a person who is detained or in custody is injured or requires medical attention and the action is reasonable based on the totality of the circumstances and the officer may render aid without jeopardizing his or her safety; and;
 - Instruction on the recognition and characteristics of a person with a substance abuse disorder or mental illness and appropriate responses to such a person.
- Requires an independent review of a use of force incident involving death or the intentional discharge of a firearm that results in injury or death to any person to be conducted by another

law enforcement agency, a law enforcement officer employed by another agency, or the state attorney and requiring such agency or officer to complete a report to be provided to the state attorney.

- Requires each law enforcement agency to report use of force incidents that result in serious bodily injury, death, or the discharge of a firearm at a person to the Florida Department of Law Enforcement (FDLE) on a quarterly basis, and
- Prohibits a child younger than seven years of age from being arrested, charged, or adjudicated delinquent for a delinquent act or violation of law, unless the violation of law is a forcible felony.

The bill provides that the Legislature intends for the requirements of the bill to operate as minimum standards and that nothing in the bill prevents an employing agency from adopting policies that exceed such standards.

Effective Date 07/01/2021

[Ch. 243 “Transportation Facility Designations Honoring Fallen Law Enforcement Officers” \(SB 1716 – Hooper\)](#)

The bill creates three honorary designations for various transportation facilities across the state honoring fallen law enforcement officers and directs the Department of Transportation (DOT) to erect suitable markers for each designation.

- Deputy Michael J. Magli Memorial Road (Pinellas County)
- Sergeant Brian LaVigne Road (Hillsborough County)
- Officer Jesse Madsen Memorial Highway (Hillsborough County)

Effective Date 07/01/2021

The following bills take effect October 1, 2021:

[Ch. 014 “Tobacco and Nicotine Products” \(SB 1080 – Hutson\)](#)

Florida Statutes, Chapters: 210, 386, 569, 877

The bill amends tobacco and tobacco sales to conform with federal law. Specifically, the bill:

- Increases the minimum age to lawfully purchase and knowingly possess tobacco products, nicotine products, and nicotine dispensing devices in Florida from 18 to 21 years of age.
- Prohibits the sale, delivery, bartering, furnishing, shipping, or giving of tobacco products, nicotine products, or electronic nicotine dispensing devices to persons under 21 years of age.
- Creates regulations for the sale and delivery of nicotine products and nicotine dispensing devices through the mail and over the Internet, which are similar to the regulations for tobacco products.
- Preempts the establishment of the minimum age to possess or purchase nicotine dispensing devices, nicotine products, and tobacco products and the marketing, sale, and delivery of such products to the state.
- Modifies current exceptions to the minimum age requirements to purchase or knowingly possess tobacco products and applies the same exceptions to nicotine products and nicotine dispensing devices.

The bill creates a retail nicotine products permit, which must be obtained from the Division of Alcoholic Beverages and Tobacco (Division) to sell nicotine products and nicotine dispensing devices. This establishes state regulatory oversight for retailers of nicotine products and nicotine dispensing devices. The regulations for the sale of nicotine products and nicotine dispensing devices mirror the regulations for the sale of tobacco products; however, the bill does not impose a tax or licensing fee similar to tobacco products. The bill authorizes a holder of a tobacco retail permit to sell nicotine products and nicotine dispensing devices in addition to tobacco products.

Effective Date 10/01/2021

[Ch. 116 “Clerks of the Circuit Court” \(SB 838 – Boyd\)](#)

Florida Statutes, Chapters: 27, 28, 40, 45, 55, 57, 197, 318, 322, 569, 712, 775

The bill addresses several provisions related to the state court system. Specifically, the bill:

- Requires the Florida Clerks of Court Operations Corporation (CCOC) to establish and manage a reserve within the Clerks of the Court Trust Fund of an amount not exceeding 16 percent of the total budget authority for the clerks during the county fiscal year,
- Makes permanent the 50 percent split of cumulative excess funds between the clerks and the State, removing the language that would require clerks to transfer all cumulative excess funds to the General Revenue Fund effective February 1, 2023,
- Removes the current statutory cap of \$20 million for the total cumulative excess balance that can remain in the Clerks of the Court Trust Fund,
- Defines the term "court record" to help clarify the distinction between a court-related service and a county-related service,
- Corrects the filing fee structure for appellate cases, requiring clerks to remit to the Department of Revenue (DOR) \$20 of the \$100 filing fee for appeals from the county or circuit courts to the district courts of appeal or the Supreme Court,
- Changes the process for allocating funds to the clerks of court for juror-related expenses under s. 40.29, F.S., from a “pre-imburement” system to a reimbursement system, and
- Requires driver license suspension orders to inform a person that he or she may contact the clerk of the court to establish a payment plan to make partial payments for fines, fees, service charges, and court costs.

Effective Date 10/01/2021

[Ch. 120 “Child Care Facilities” \(SB 252 – Stewart\)](#)

Florida Statutes, Chapter 402

The bill creates the “Child Safety Alarm Act” and requires, beginning January 1, 2022, childcare facilities and large family childcare homes to use Department of Children and Families (DCF) approved alarm systems in vehicles used to transport children. The alarms will prompt a vehicle’s driver to inspect it for the presence of children before leaving the area.

Effective Date 10/01/2021

[Ch. 129 “Electronic Databases” \(SB 890 – Hooper\)](#)

Florida Statutes, Chapters: 119, 943

The bill addresses several provisions related to the use of electronic databases by a law enforcement officer. Specifically, the bill:

- Provides that any person who uses or releases any information contained in the Driver And Vehicle Information Database (DAVID) for a purpose not specifically authorized by law commits a noncriminal infraction, punishable by a fine of up to \$2,000.
- Provides that the law enforcement accreditation program must address access to, and use of, personal identification information contained in electronic databases.
- Requires a law enforcement officer to receive basic skills training on the authorized access to, and use of, personal identification information contained in electronic databases used by a law enforcement officer in his or her official capacity.
- Requires each law enforcement officer to receive, as part of the 40 hours of required instruction for continued employment or appointment as an officer, training on the authorized access to, and use of, personal identification information contained in electronic databases used by a law enforcement officer in his or her official capacity.

Effective Date 10/01/2021

[Ch. 132 “Arrest Booking Photographs” \(SB 1046 – Bean\)](#)

Florida Statutes, Chapter 901

The bill provides that a person or entity whose primary business model is the publishing and disseminating of arrest booking photographs for a commercial purpose or pecuniary gain must, upon receiving such a request, remove a booking photograph within 10 days and may not charge a fee for doing so. The bill also prohibits a person or entity from republishing or otherwise re-disseminating an arrest booking photograph which was previously required to be removed. A person may bring a civil action to enjoin such continued publication or dissemination and a court may impose a civil penalty up to \$5,000 per day for noncompliance with such injunction as well as attorney fees and costs.

Effective Date 10/01/2021

[Ch. 177 “Specialty and Special License Plates” \(SB 676 – Baxley\)](#)

Florida Statutes, Chapter 320

The bill creates the following specialty license plates, each with an annual use fee of \$25:

- Florida State Parks,
- Honor Flight,
- Biscayne Bay,
- Disease Prevention & Early Detection,
- Protect Marine Wildlife,
- 30A.com/Scenic Walton, and
- Support Healthcare Heroes.

Each plate must bear colors and designs approved by FLHSMV, with “Florida” appearing at the top of the plate and the plate-related slogan appearing at the bottom of the plate. The annual use fees are distributed as provided in the provisions related to each specialty license plate.

The bill revises the distribution of annual use fees from the Indian River Lagoon, Wildlife Foundation, and Divine Nine specialty license plates.

The bill authorizes a purchaser of a presale voucher for a specialty license plate to obtain a refund if the plate has met the presale requirement but has not been issued. It also clarifies that the department may not issue a new specialty license plate until enough plates are discontinued so that the number of available plates does not exceed the statutory maximum of 150 active specialty license plates. The bill also provides that if an independent college or university elects to use the standard template license plate, the department must discontinue its existing specialty license plate.

The bill also revises the applicability of the former Senate President and former House Speaker license plates and creates the Army of Occupation Veterans special license plate.

Effective Date 10/01/2021

[Ch. 216 “Unlawful Use of DNA” \(HB 833 – Tomkow\)](#)

Florida Statutes, Chapters: 760, 817

The bill creates the “Protecting DNA Privacy Act.” Specifically, the bill:

- Creates the collecting or retaining another person’s DNA sample with intent to analyze such sample, as a first-degree misdemeanor.
- Creates submitting another person’s DNA sample for analysis or conducting or procuring the conducting of such analysis, as a third-degree felony.
- Creates disclosing another person’s DNA analysis results to a third party, unless such results were previously voluntarily disclosed by the person whose DNA was analyzed, as a third-degree felony, and
- Creates selling or otherwise transferring another person’s DNA sample or analysis results to a third party, as a second-degree felony.

Under the bill, express consent means authorization from a person or his or her legal guardian or representative, evidenced by an affirmative act demonstrating an intentional decision, after receiving a clear and prominent disclosure regarding the specified purpose for the collection, use, retention, maintenance, or disclosure of the DNA sample or analysis thereof. The bill clarifies current law by providing that “exclusive property” means a person’s right to exercise control over his or her DNA sample or analysis with regard to the collection, use, retention, maintenance, disclosure, or destruction of such sample or analysis.

The bill defines the terms “DNA analysis” and “DNA sample” and authorizes a separate criminal penalty for each instance of unlawful collection or retention, submission or analysis, disclosure, or sale of a person’s DNA sample or analysis results. The bill applies only to the use, retention, maintenance and disclosure of a DNA sample collected from a person in Florida after the bill is effective and does not apply to a DNA sample, analysis, or analysis results when used for specified

purposes such as criminal investigation, determining paternity, complying with a court order, conducting specified research, or other healthcare purposes.

Effective Date 10/01/2021

[Ch. 220 “Electronic Threats” \(HB 921 – Snyder\)](#)

Florida Statutes, Chapters: 784, 836, 921

The bill prohibits a person from sending, posting, transmitting, or procuring the sending, posting, or transmission of a writing or other record, including an electronic record, in any manner by which it may be viewed by another person, when in such writing or record the person makes a threat to kill or do bodily harm to another person, or to conduct a mass shooting or an act of terrorism. The bill expands the scope of current law to also criminalize publicly posting a threat online, even if it is not specifically sent to or received by the person who is the subject of the threat.

The bill defines an “electronic record” as any record created, modified, archived, received, or distributed electronically which contains any combination of text, graphics, video, audio, or pictorial represented in digital form, but does not include a telephone call.

The bill provides that a person commits cyberstalking if he or she engages in a course of conduct that communicates, or causes to be communicated, directly or indirectly, words, images, or language by or through the use of electronic mail or electronic communication, directed at or pertaining to a specific person that causes that person substantial emotional distress and serves no legitimate purpose. The bill clarifies that social media posts and communications to third parties can serve as the basis for a cyberstalking conviction or injunction.

Effective Date 10/01/2021

The following bills take effect in 2022:

[Ch. 017 “Legal Notices” \(HB 035 – Fine\)](#)

Florida Statutes, Chapter 50

The bill modifies the criteria that a newspaper must satisfy to publish legal notices. The bill gives governmental agencies the option to publish legal notices on the website of a qualified newspaper and on the Florida Press Association’s (FPA) repository website under specified conditions. Newspaper publishing legal notices online are authorized to charge for such publication up to the amount it would charge to publish the notices in its print edition.

The bill requires the FPA to seek to ensure that minority populations throughout the state have equitable access to legal notices posted on the FPA’s repository website and requires the FPA to publish a report containing specified information.

Effective Date 01/01/2022

[Ch. 093 “Purple Alert” \(SB 184 – Berman\)](#)

Florida Statutes, Chapters: 252, 937

The bill requires the Florida Department of Law Enforcement (FDLE) to establish the Purple Alert. The Purple Alert is to aid in the search for a missing adult:

- With a mental or cognitive disability, that is not Alzheimer’s disease or a dementia-related disorder, including:
 - An intellectual or developmental disability,
 - A brain injury,
 - Another physical, mental, or emotional disability not related to substance abuse; or
 - A combination of any such conditions.
- Whose disappearance indicates a credible threat of immediate danger or serious bodily harm to himself or herself,
- Who cannot be returned to safety without law enforcement intervention, and
- Who does not meet the criteria for Silver Alert activation.

The bill requires the Florida Department of Transportation (FDOT), FLHSMV, the Florida Department of Lottery, and local law enforcement agencies (LLEA) to cooperate with FDLE to establish and implement the Purple Alert. Under the Purple Alert, LLEA may broadcast information to the media and subscribers in any jurisdiction where a missing adult is believed to be or may be located. LLEA may request a Purple Alert notification to be broadcast on lottery terminals in locations such as supermarkets, convenience stores, and gas stations. LLEA may also request FDLE to open a missing persons case with the Missing Endangered Persons Information Clearinghouse, authorizing the activation of dynamic message signs on state highways and dissemination of missing persons information to the public.

Under the bill, the Florida Division of Emergency Management is required to maintain an inventory of digitally displayed automatic changeable signs to provide immediate public distribution of emergency and missing endangered persons information.

Effective Date 07/01/2022

[Ch. 175 “Motor Vehicle Rentals” \(SB 566 – Perry\)](#)

Florida Statutes, Chapters: 212, 627

The bill establishes statutory requirements for peer-to-peer car-sharing, including surcharge and tax payments and liabilities and insurance obligations among participants. Specifically, the bill:

- Requires peer-to-peer car-sharing programs to collect and remit sales tax on the lease or rental of motor vehicles on their platform.
- Requires peer-to-peer car-sharing programs to collect and remit a \$1 surcharge on the lease or rental of a motor vehicle.
- Defines terms, including “peer-to-peer car sharing,” which is the authorized use of a motor vehicle by an individual other than the vehicle's owner through a peer-to-peer car-sharing program. Further, it is not rental, for-hire, or joint use of motor vehicles, such as ridesharing or carpooling.
- Establishes insurance requirements and coordinated coverage for each party involved in car sharing.

- Allows motor vehicle insurers insuring the shared vehicle owner to exclude coverage for use of the vehicle in car-sharing.
- Provides that the peer-to-peer car-sharing program and vehicle owner are not vicariously liable for the actions and damages of the driver during periods of peer-to-peer car-sharing use.
- Specifies recordkeeping requirements and retention periods.
- Includes requirements for consumer protection notifications.
- Addresses the repair, use, and non-use of motor vehicles under a safety recall notice.
- Provides that the bill does not limit the liability of the peer-to-peer car-sharing program for its acts or omissions that cause bodily harm during peer-to-peer car-sharing nor the owner or driver to the peer-to-peer car-sharing program for economic losses due to a breach of contract.

Effective Date 01/01/2022