

2001 LEGISLATIVE SUMMARY
LAWS OF INTEREST TO FLORIDA LAW ENFORCEMENT

This Legal Bulletin contains summaries of most laws passed by the 2001 Florida Legislature that are of interest to the Florida law enforcement community. In addition to the summaries of the laws, you will find an index at the end of this document to help you locate laws by subject, tables to help you cross-reference bill numbers to their chapter law numbers, and indications of the laws' effective dates.

This year's Summary is the product of the combined efforts of many within the FDLE Office of General Counsel. Special thanks to FDLE attorneys Craig Rockenstein, Fern Rosenwasser, John Booth, Grace Jaye, Phil Lindley, Rafael Madrigal, Jim Martin, David Sessions, Gaby Taylor, and Joe White for the many hours spent reviewing bills and preparing most of the text of the Summary. The Legislative Summary is posted on the General Counsel portion of FDLE's Internet web site, which may be found at: <http://www.fdle.state.fl.us>.

This year's Summary includes "hot links" to the actual text of the bills. If you access our Summary via the Internet, you can link directly. If you have a printed copy of the Summary, you can use the web address for each link to independently access bills of interest. You will need the Adobe Acrobat reader to read the bills. Since we are providing links to the text of the bills, our summaries are less detailed than in the past. Please note that we have not discussed every element of every law, so any law of interest should be reviewed in its complete form to determine its impact. *Do not rely solely on our summary for a complete understanding of a bill of interest!* Law enforcement officers should check with their chain of command and agency legal advisors to determine the effect specific legislation will have upon agency operations and policies. If you have any suggestions or comments, please feel free to contact me.

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Legislative information, including copies of the laws as passed may be accessed on the Florida Legislature's web site (<http://www.leg.state.fl.us>). Select the bill versions ending in "er" and the greatest numeral which is the "enrolled" version sent to the Governor.

Those without Internet access may obtain printed copies of laws as passed from:

Department of State
Bureau of Administrative Code
401 South Monroe Street, Elliott Building
Tallahassee, FL 32399-0250
(850) 488-8427 {SunCom 278-8427}

House Documents Office
Room 317, The Capitol
Tallahassee, FL 32399-1300
(850) 488-7475 {SunCom 278-7475}

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Room 304, The Capitol
Tallahassee, FL 32399-1100
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2001 LEGISLATIVE SUMMARY

Senate Bill 2 (Ch. 2001-235): Retirement; Elected Officers; DROP; Emergency Medical Technicians; Paramedics; Special Risk Officers; Assistant Attorneys General

30-page bill amends a number of provisions concerning retirement, especially as they relate to special risk and elected officers. Amends F.S. 121.053 by permitting elected officers who are enrolled in the DROP plan to terminate their participation in DROP and move to the appropriate elected officers' class. Creates F.S. 121.0515(9) that will allow emergency medical technicians and paramedics, who have earned creditable service in non-special risk categories, to purchase additional retirement credits to upgrade such service to the Special Risk Class category. For those members of the Special Risk Class who have retirement service credit in that class after September 30, 1978, and before January 1, 1993, and who retired or entered the DROP program prior to July 1, 2000, they or their beneficiaries will receive a one-time special cost-of-living increase on January 1, 2002, equal to 12 percent of their gross retirement benefit. Such increase will be in addition to the normal cost-of-living increase that is provided on July 1, 2001. Also, as of January 1, 2002, assistant attorneys general are moved from the Selected Exempt Class to the Senior Management Class. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0002er.pdf>

House Bill 21 (Ch. 2001-225): Taxation; Department of Revenue; Department of Education; Crimes and Penalties

As part of a 20-page bill dealing with a variety of tax-related issues, creates F.S. 213.053(7)(u), authorizing the release of information from the Department of Revenue to the Department of Education that relates to nonprofit scholarship-funding organizations. Information that is released in violation of the confidentiality provisions of F.S. 213.053 is a first-degree misdemeanor. **Effective Date: July 1, 2001, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h0021er.pdf>

House Bill 29 (Ch. 2001-144): DUI; Driver's License; Traffic Control; Drivers Under 21 Years of Age; Juveniles; Substance Abuse Course; Addictions Receiving Facility; Crimes and Penalties

Amends various provisions of F.S. 322.2616 relating to the suspension of the driver's license of a person under 21 years of age. One change makes the 10-day temporary driving permit issued at the time of suspension effective 12 hours after issuance of the permit. If a driver has a blood or breath-alcohol level of 0.05 or higher, the issued suspension must remain in effect until the driver successfully completes a substance abuse course. Also allows a law enforcement officer to take a minor under 18 years of age who was proven to be driving with a blood or breath-alcohol level of 0.02 or higher to an addictions receiving facility, if one is available, in the county where the minor was driving. New subsection (18) specifically authorizes license suspensions based on evidence obtained pursuant to a DUI investigation. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h0029er.pdf>

Senate Bill 84 (Ch. 2001-264): Traffic Control; Profiling; Criminal Justice Standards and Training Commission; Law Enforcement Agencies; Sheriffs

Amends F.S. 943.1758 to require that by October 1, 2001, all instruction in interpersonal skills relating to diverse populations shall include a module developed by the Criminal Justice Standards and Training Commission on the topic of discriminatory profiling. **Also revises F.S. 30.15 and F.S. 166.0493 to require Sheriffs and municipal law enforcement agencies, respectively, to incorporate antiracial (sic) or other antidiscriminatory profiling policies into their policies by January 1, 2002.** These agencies are to use the Florida Police Chiefs Association Model Policy as a guide. The antiprofiling policies must include definitions, traffic stop procedures, community education and awareness efforts, and policies for handling complaints from the public. **Effective Date: June 19, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0084er.pdf>

House Bill 107 (Ch. 2001-36): Unclaimed Property; Courts; Public Agencies

This 38-page bill revises numerous provisions of Chapter 717 concerning unclaimed property. Many of the revisions substitute the term "unclaimed" property for the term "abandoned" property. One of the sections that is affected by the revisions is F.S. 717.113 relating to intangible property held by courts and public agencies. In F.S. 717.101 the bill also creates a definition for the term "due diligence" and revises the definition of the term "last known

address.” These changes provide guidelines for search efforts that must be attempted before property can be classified as “unclaimed.” **Effective Date: October 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h0107er.pdf>

House Bill 141 (Ch. 2001-3): Adoption; Crimes and Penalties

This 104-page bill concerns adoptions and revises many of the procedures concerning such. One part of the bill revises F.S. 63.212(2) by making it a second-degree misdemeanor to knowingly provide false information, withhold material information, or accept benefits relating to the same pregnancy from more than one adoption entity. **Effective date: October 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h0141er.pdf>

Senate Bill 144 (Ch. 2001-54): Child Pornography; Computers; Internet; Statewide Grand Jury; Statewide Prosecutor; Computer Virus; Civil Action; Forfeiture; Jurisdiction; Crimes and Penalties

This 21-page bill affects many areas of criminal law relating to computers. Amends and creates definitions in F.S. 847.001, including “child pornography”, “harmful to minors”, “person”, and “sexual conduct.” Slightly revises the elements of F.S. 847.0135 concerning computer pornography and creates third-degree felony offense of transmission of child pornography by an electronic device or equipment in F.S. 847.0137. Also creates F.S. 847.0138 that makes it a third-degree felony to electronically transmit material harmful to minors and establishes F.S. 847.0139, which provides immunity from civil immunity to those who report child pornography to law enforcement. Revises F.S. 905.34 to give the statewide grand jury jurisdiction over computer-related offenses in Chapter 815 and over computer pornography and child exploitation offenses in Chapter 847. Extensively revises the definition section of F.S. 815.03 by adding new definitions that affect the offenses in F.S. 815.06. Repeals F.S. 815.05, concerning offenses against computer equipment or supplies, but substantially amends F.S. 815.06, governing offenses against computer users. This latter revised section contains newly created felony and misdemeanor offenses, including the intentional spreading of a computer virus. In addition to any criminal or other civil penalty, a person may bring a civil action and recover attorney’s and damages against an offender. Jurisdiction for a civil or criminal action under Chapter 815 may be in the jurisdiction where a computer was used to violate the law or where a computer was accessed in violation of the law. Any computer, computer system, computer network, computer software, or computer data owned by a defendant that is used to commit a violation of Chapter 815, or is used as a repository for material obtained in violation of the chapter, is subject to forfeiture under

Chapter 932. Furthermore, the bill revises F.S. 16.56 by giving the Statewide Prosecutor the authority to investigate and prosecute violations of Chapter 815. **Effective Date: July 1, 2001, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0144er.pdf>

House Bill 157 (Ch. 2001-85): Airbags; Motor Vehicles; Crimes and Penalties

Creates F.S. 860.146 that defines the terms "fake airbag" and "junk-filled airbag compartment." Also makes it a second-degree felony to knowingly sell, purchase, or install a fake airbag or junk-filled airbag compartment. **Effective Date: May 30, 2001.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h0157er.pdf>

House Bill 175 (Ch. 2001-147): Traffic Control; Reckless Driving; Aggressive Careless Driving; Traffic Citation Form; Vehicular Homicide; Sentencing; Community Service; Crimes and Penalties

Amends F.S. 316.192, the reckless driving law, by adding new subsection (3) that enhances the offense to a first-degree misdemeanor when it results in damage to the property or person of another, and to a third-degree felony when it results in serious bodily injury to another. Defines "serious bodily injury" to include substantial risk of death, serious disfigurement, or protracted loss or impairment of a member or organ. New F.S. 316.1923 creates the offense of "aggressive careless driving," defined as simultaneously or in succession committing two or more traffic violations specified in the bill. Amends F.S. 316.650(1)(a) by requiring law enforcement officers to check a special box on the traffic citation when the officer believes that a traffic violation or crash was due to "aggressive careless driving." Also amends F.S. 782.071, concerning vehicular homicide, by adding that a court may, in addition to any other punishment, order a convicted person to serve 120 community service hours under the direction of designated medical personnel in a trauma center or hospital. **Effective Date: October 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h0175er.pdf>

House Bill 199 (Ch. 2001-48): Drug Courts; Controlled Substances; Sentencing; Law Enforcement Agencies; Sheriffs; Crimes and Penalties

Expresses legislative intent to implement treatment-based drug court programs in each judicial circuit in an effort to reduce crime and recidivism, abuse and neglect cases, and family dysfunction. Requires each circuit to establish a model of a treatment-based drug court system to address the severity of identified substance abuse problems. The program can be created in almost all divisions of the court system and law enforcement agencies are encouraged to support the creation and use of these courts. The bill establishes parameters

that must be considered in the creation of the drug court system within each circuit. Also created is the Florida Association of Drug Court Program Professionals, an association of drug court program practitioners that may include prosecution and defense counsel, law enforcement officers, probation officers, and treatment professionals, for example. Amends F.S. 910.035 to allow certain persons participating in a drug court to transfer participation to other jurisdictions. Also revises F.S. 948.08 by expanding the category of persons eligible for admission into pretrial substance abuse programs and creates F.S. 948.16 that establishes a misdemeanor pretrial substance abuse intervention programs. **Effective Date: May 17, 2001.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h0199er.pdf>

Senate Bill 202 (Ch. 2001-78): Malt Beverages; Alcoholic Cider; Crimes and Penalties

Amends the first-degree misdemeanor offense in F.S. 563.06(6) by eliminating some of the container size restrictions for malt beverages. Because of this change, it will not be a violation as long as such beverages are sold in containers that are no greater than 32 ounces in size. Also creates F.S. 564.055 that pertains to container sizes for the marketing of alcoholic cider. **Effective Date: October 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0202er.pdf>

Senate Bill 226 (Ch. 2001-92): “Protection Against Sexual Violence in Florida Jails and Prisons Act”; Sexual Violence; Correctional Officers; Criminal Justice Standards and Training Commission; Jails; Prisoners; Crimes and Penalties

Amends F.S. 944.35 by requiring the Criminal Justice Standards and Training Commission to develop correctional-officer training concerning sexual assault identification and prevention methods and techniques. Also creates F.S. 951.221 by making it a third-degree felony for an employee of a county or municipal detention facility, or of a contracted private detention facility, to engage in an act of sexual misconduct, not constituting a sexual battery, with an inmate or supervised offender. Consent of an inmate is not a defense under this section and a violation can subject the employee to termination and a ban on future employment within the correctional system. **Effective Date: October 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0226er.pdf>

Senate Bill 232 (Ch. 2001-55) Controlled Substances; Hydrocodone; Drug Trafficking; Crimes and Penalties

Amends F.S. 893.03(3) by listing hydrocodone in specified therapeutic dosage mixtures as a Schedule III drug. States that the weight of controlled substance

per milliliter or dosage unit is not relevant to a trafficking charge. Amends F.S. 893.135 to expressly include, for trafficking purposes, hydrocodone as listed in Schedule III. Clarifies, for trafficking purposes, that the weight of controlled substance to be considered for evidentiary purposes is the total weight of the mixture containing the controlled substance and any other substance in the mixture. If there is more than one mixture containing the same controlled substance, the weight is the aggregate of the total weights of all the mixtures. Further clarifies that the Florida Supreme Court's decision in *Hayes v. State*, 760 So.2d 1 (Fla. 1999), does not correctly construe legislative intent. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0232er.pdf>

Senate Bill 238 (Ch. 2001-202): Death Penalty; Mental Retardation

This bill creates F.S. 921.137 that prohibits the imposition of the death penalty on defendants who are determined by a court to be mentally retarded. The bill defines mental retardation, requires a defendant to raise mental retardation as a bar to the death sentence, and provides a process for the defendant to do so. The standard of proof for the court to use in determining mental retardation is clear and convincing evidence. The state is required to inform the defendant if it will request that the court impose the death sentence over a jury recommendation of life imprisonment. The state may appeal a determination of mental retardation made pursuant to this section. This bill does not apply retroactively. **Effective Date: June 12, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0238er.pdf>

Senate Bill 240 (Ch. 2001-93): Sentencing; Prisoners; Crimes and Penalties

Amends F.S. 944.17(3) to provide that any prisoner incarcerated in a state or private correctional facility under the Correctional Privatization Commission who is convicted of a felony or misdemeanor committed while incarcerated shall serve the sentence imposed for that crime within the state correctional system, regardless of length of sentence or classification of offense. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0240er.pdf>

House Bill 245 (Ch. 2001-124): "Parole Commission Reform Act of 2001"; Department of Corrections; Conditional Release; Sexual Offenses; Juveniles; Victim Notification

Revises a number of provisions of law relating to the Parole Commission. Amends F.S. 20.055 by removing the Parole Commission from the definition of "state agency." Revises F.S. 944.605, requiring the Department of Corrections, rather than the Parole Commission or the Control Release Authority, to make victim and law enforcement agency notification of an inmate's release, including

work release, within specified time frames. Also amends F.S. 947.1405, concerning conditional release programs, by instituting additional conditions that must be followed, including electronic monitoring of any form, when the inmate's offense involved a minor and a specified sexual offense. Further, the bill repeals F.S. 947.175 and F.S. 947.177, relating to notification prior to offender release. [NOTE: See Senate Bill 306 for similar topic areas.] **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h0245er.pdf>

Senate Bill 252 (Ch. 2001-94): Background Checks; Law Enforcement Officers; Law Enforcement Agencies; Sheriffs; Criminal Justice Standards and Training Commission; Employers and Employees

Creates yet to be numbered sections of law pertaining to requirements concerning the release by employers of employee information to law enforcement agencies who are conducting background checks of applicants for sworn criminal justice positions, including full-time, part-time, and auxiliary law enforcement, correctional, or correctional probation officers. Provides procedures to be followed in obtaining information and requires that the Criminal Justice Standards and Training Commission create a standardized authorization form for the release of information by an employer to the investigating agency. The law does not require an employer to maintain employer information other than information that is kept in the ordinary course of business. If an employer refuses to disclose information in accordance with the law, an employing agency may file a civil action to mandate release of the requested information. The bill allows an employer to charge a reasonable fee for copies provided and also establishes immunity from civil liability for release of information in accordance with the law. **Effective Date: May 31, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0252er.pdf>

House Bill 267 (Ch. 2001-125): Juveniles; Schools; Violent Offenders; Department of Juvenile Justice; School Bus; DNA; Domestic Violence; Record Retention; Information Release; Law Enforcement Officers; Sheriffs; Juvenile Probation Officers; Sentencing/Disposition; Faith-based Organizations; Inspector General Office; Record Sealing and Expunction; Postarrest Diversion Programs; State Attorney; Crimes and Penalties

This 73-page bill deals with a number of topics relating to juveniles and the juvenile justice system. Revises F.S. 230.235 by requiring school systems to adopt a policy of zero tolerance toward the victimization of students. Creates F.S. 232.265, governing school attendance and transportation policies for students who have been convicted of specified serious offenses, by requiring the Department of Juvenile Justice (DJJ) to notify school districts of convictions and whether or not the offender has been prohibited from riding a school bus. This especially applies to cases when the victim, or a sibling of the victim, of the offense is a bus rider. Amends F.S. 943.325 to require that any person who is

transferred to Florida under the Interstate Compact on Juveniles who has committed qualifying offenses in the sending state must provide a blood sample for entry into the DNA database at FDLE.

Revises sections of Chapter 985 by creating a category of “respite” placement as an alternative to secure placement for juveniles who are charged with domestic violence offenses. Amends F.S. 985.04(2) by requiring that copies of records of juveniles who are referred to DJJ for specified offenses may not be destroyed for 25 years after the youth’s final referral to DJJ. Revised F.S. 985.04(5) will allow the release of the name, photograph, address, and crime or arrest report of juveniles who have been transferred to the adult system for trial under specified conditions. Amends F.S. 985.207(2) by requiring the parent or guardian of an arrested juvenile, upon being notified of such arrest, to provide specified identifying information about the parent or guardian to the notifying law enforcement officer or juvenile probation officer. Adds language to F.S. 985.23 that will allow a sentencing court to determine if it is appropriate to enter a “no contact order” so that a perpetrator may be prohibited from contact with a victim or a sibling of the victim. Amends F.S. 985.404 by requiring DJJ to consider the use of qualified faith-based organizations to provide services to juveniles. Creates F.S. 985.42 that permits the Secretary of DJJ to designate members of the Office of Inspector General who hold certification as law enforcement officers to enforce any criminal law and conduct any criminal investigation that relates to state-operated programs or facilities over which DJJ has jurisdiction.

Creates F.S. 943.0582 that expands options for first time non-serious misdemeanor juvenile offenders to have their records sealed or expunged after successful completion of an approved diversion program. This provision was included in the bill at the request of local law enforcement and state attorney offices. Amends F.S. 985.3065 by permitting a law enforcement agency or school district, in conjunction with the state attorney, to establish postarrest diversion programs for juvenile offenders. (NOTE: HB 1425 also contains the seal and expunction and postarrest diversion program language of this bill.)
Effective Date: October 1, 2001, except as bill provides otherwise.

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h0267er.pdf>

Senate Bill 272 (Ch. 2001-95): Law Enforcement Officers; Sheriffs; Imitation Controlled Substances; Criminal Liability; Civil Liability; Crimes and Penalties
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Amends F.S. 817.564(6) to exempt from criminal or civil liability a law enforcement officer, or person acting under the direction of an officer, when the officer or authorized person sells an imitation controlled substance during the course of an authorized, active criminal investigation pertaining to controlled substances. **Effective Date: May 31, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0272er.pdf>

Senate Bill 306 (Ch. 2001-209): Victim’s Rights; Juveniles; Department of Corrections; Inmates; Domestic Violence; Sexual Offenses; Presentence Reports; “Interstate Compact for Adult Offender Supervision”

This 40-page bill amends numerous sections in Chapters 921, 944, 948, 958, and 960 concerning rights of crime victims, notification to victims and law enforcement agencies prior to inmate release, and access by victims to presentence reports. The law also provides for additional rights for a crime victim’s parents, guardian, or next of kin regarding notice, presence, and the right to be heard at specified juvenile and adult court proceedings, including sentencing hearings. Procedures are amended for victims of sexual offenses while they testify in court. Adds a provision requiring notification of the address confidentiality program for victims of domestic violence. Also prohibits a medical provider from billing a victim, or the parent or guardian of a minor victim, for initial forensic physical examinations. Further substantially amends Chapter 949 regarding the Interstate Compact for Supervision of Adult Offenders. [NOTE: See House Bill 245 for similar topic areas.] **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0306er.pdf>

Senate Bill 322 (Ch. 2001-210): Youthful Offenders; Department of Corrections; Prisoners; Juveniles; Sentencing

Adds subsection (5) to F.S. 944.1905 which requires that the Department of Corrections assign all inmates who are less than 18 years old, except those who are eligible for, or assigned to, a facility for youthful offenders, to a dormitory that is separate from inmates 18 years of age or older. It requires that any inmate less than 18, who was 15 or younger at the time of his offense and has no prior juvenile adjudication, must be placed in a facility for youthful offenders until the inmate is 21. Revisions to the definition of the term “prior record” in F.S. 921.0021 will also subject more offenders to enhanced sentences. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0322er.pdf>

Senate Bill 336 (Ch. 2001-186): Elevators; Crimes and Penalties

As part of this 68-page bill concerning sections of the Florida Building Code, revises F.S. 399.11(2), relating to elevators, by making it a second-degree misdemeanor for a person to falsely represent himself or herself as being “credentialed” under Chapter 399 to work with elevators. **Effective Date: January 1, 2002, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0336er.pdf>

Senate Bill 338 (Ch. 2001-236): “Bryant Peney Act”; Felony Murder; Law Enforcement Officers; Sheriffs; Sentencing; Crimes and Penalties

Revises the felony murder provisions in F.S. 782.04 by adding “Resisting an officer with violence to his or her person” to the list of offenses that qualify for prosecution as felony murder. By adding this language to the law, a person may now be able to be prosecuted and sentenced for a capital, life, first-degree, or second-degree felony, depending on the acts of the perpetrator. Also revises F.S. 775.0823 by clarifying that violent offenses committed against law enforcement officers and other specified criminal justice system members are to be punished as provided in Chapter 775 and not as provided in the Criminal Punishment Code. **Effective Date: October 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0338er.pdf>

Senate Bill 354 (Ch. 2001-187): Civil Rights Complaints

Amends F.S. 760.11 to provide that in lieu of filing a civil rights (discrimination) complaint with the Florida Human Relations Commission, the complaint may be filed with the federal Equal Employment Opportunities Commission or with any unit of state or local government that qualifies as a fair-employment-practice agency under federal regulations. **Effective Date: June 8, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0354er.pdf>

Senate Bill 366 (Ch. 2001-97): Postsentence DNA Testing; Courts; Law Enforcement Agencies; Sheriffs; State Attorneys; Florida Department of Law Enforcement; DNA Database; Convicted Felons

Creates F.S. 925.11, allowing convicted defendants (those who have been tried, found guilty, and sentenced) to petition the court for post-conviction DNA testing of evidence while specifying time limitations and requirements for petitions. In order for the post-conviction testing to be done, there must be a question concerning the identity of the perpetrator and the DNA tests must be shown to be likely to affect the determination of guilt or would mitigate the sentence that has been imposed. Requires law enforcement agencies, courts, and prosecutors to preserve case evidence for specified periods unless specified conditions are met. The bill also creates F.S. 943.3251 making the Florida Department of Law Enforcement (FDLE) responsible for conducting the post-conviction DNA testing ordered by a court under Section 925.11.

Effective July 1, 2001, amends F.S. 943.325 by expanding the categories of offenders, including those held in private correctional institutions and juvenile facility offenders who are about to be released, who will be required to provide approved specimens to the DNA database at FDLE. The felony offenses will be phased in over five years contingent upon receipt of specific appropriations after this year. By July 1, 2005, all convicted felons will be required to submit a DNA

sample. **Effective Date: October 1, 2001, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0366er.pdf>

House Bill 395 (Ch. 2001-59): Public Records; Airport Security Plans

Reenacts F.S. 331.22 and keeps in effect the public records exemption that can be used to deny the release of airport security plans held by designated aviation authorities. **Effective Date: October 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h0395er.pdf>

House Bill 399 (Ch. 2001-71): Public Records; Emergency “911” Calls

Reenacts F.S. 365.171 and keeps in effect the public records confidentiality provision that prohibits the release of information that reveals the name, address, phone number, and personal or other specified information about the caller to a “911” emergency telephone number. **Effective Date: October 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h0399er.pdf>

Senate Bill 400 (Ch. 2001-51): Child Support; Crimes and Penalties

Revises F.S. 827.06 to address the willful failure of parents to provide support for their dependent children. Amends the misdemeanor penalty provisions by setting fine and incarceration schedules. Also creates a third-degree felony for a fourth or subsequent violation of the misdemeanor section of the statute. A person who has been previously sentenced for a misdemeanor may be convicted of the felony if he or she owes a child or spouse more than \$5,000 in support for more than one year. **Effective Date: October 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0400er.pdf>

House Bill 403 (Ch. 2001-151): Public Records; Pawnbrokers; Law Enforcement Agencies; Sheriffs

Reenacts F.S. 539.003 to keep in effect the public records confidentiality provision that prohibits the release of pawnbroker transaction information that has been provided to law enforcement agencies. **Effective Date: October 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h0403er.pdf>

Senate Bill 408 (Ch. 2001-165): Law Enforcement Officers; Sheriffs; Electric Service Interruption; Criminal Liability; Civil/Administrative Liability

Creates F.S. 768.138, which provides an absolute defense to civil, criminal, or administrative liability to an electrical utility company and its personnel when they interrupt or disconnect electric service at a location for the purpose of aiding law enforcement personnel, pursuant to a law enforcement or judicial order. The defense applies to such acts so long as they have exercised reasonable care in their actions. **Effective Date: June 6, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0408er.pdf>

House Bill 411 (Ch. 2001-227): Mobile Homes; Crimes and Penalties

As part of this law concerning mobile homes and their relocation, creates F.S. 723.0612(9) that makes it a second-degree misdemeanor offense for any person or agent to file any notice, statement, or other required document when such item is false or contains a material misstatement. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h0411er.pdf>

Senate Bill 412 (Ch. 2001-38): Firearms; Civil Liability; Counties; Municipalities

Creates F.S. 790.331 to prohibit any unit or subdivision of state or local government from bringing a civil action for damages or injunctive relief against firearms or ammunition manufacturers, distributors, dealers, or trade associations arising from the lawful activities of these entities. An exception is made for a natural person to bring suit under contract or product liability theories of recovery. Exceptions are also recognized for government to sue for breach of contract or warranty in transactions, and for injuries resulting from a design or manufacture defect causing a malfunction. Declares that the fact that firearms are inherently dangerous does not make them “defective.” Authorizes the award of attorney’s fees, costs, and compensation against the government if a suit is improperly brought under this section. **Effective Date: May 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0412er.pdf>

House Bill 455 (Ch. 2001-228): Mortgage Business; Crimes and Penalties

As part of this bill relating to mortgage brokering and lending, renumbers F.S. 494.00311 as F.S. 494.0029 and revises the language in the new section to make it a second-degree misdemeanor to illegally conduct mortgage “business.” **Effective Date: October 1, 2001, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h0455er.pdf>

House Bill 475 (Ch. 2001-53): Public Health; Abandoned Newborns; Emergency Medical Services Stations; Fire Stations; State Child Abuse Death Review Committee

This 34-page bill concerns a number of laws relating to public health. Amends sections of Chapters 39, 63, 383, and 827 by adding emergency medical services stations to the list of facilities that may receive abandoned newborns. Also clarifies that fire stations and firefighters may also receive such infants. Revises F.S. 383.402(3) by changing the date of the annual report of the State Child Abuse Death Review Committee from September 30 to December 31. **Effective Date: July 1, 2001, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h0475er.pdf>

Senate Bill 540 (Ch. 2001-99): “White Collar Crime Victim Protection Act”; Theft; Fraud; Internet; Aggravated White Collar Crime; Victims; Restitution; Jurisdiction; Crimes and Penalties

Creates F.S. 775.0844, the “White Collar Crime Victim Protection Act.” The law protects victims, particularly elderly victims, who are deceived and cheated by criminals who commit nonviolent frauds and swindles through the use of the Internet and other electronic technology. Establishes defined “white collar crime” offenses that enhance the criminal sanctions for the commission of, or a conspiracy to commit, any felony offense specified in Chapters 560, 812, 815, 817, 825, 831, 832, 838, 839, 895, and 896, as well as for other actions involving fraud or theft. Also creates defined “aggravated white collar crime” offenses that provide for even greater enhanced penalties for committing such acts, including a first-degree felony designation and a fine of \$500,000 or double the value of the pecuniary gain or loss, whichever is greater. A person convicted of an “aggravated” offense is also liable for all court costs and must pay restitution to every victim of the offense, regardless of whether the victim was named in the information or indictment. The “aggravated white collar crimes” apply to cases in which the victims include either 10 or more elderly persons, a total of 20 or more persons, or the State of Florida, any of its political subdivisions, or any agency of the state or political subdivision. Amends F.S. 910.15 for the purpose of prosecuting certain theft or fraudulent practices by providing that if a communication is made by or made available through the Internet, then such communication is considered to have been made in every county within the state. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0540er.pdf>

House Bill 635 (Ch. 2001-159): Driver’s License; Department of Highway Safety and Motor Vehicles; Selective Service

Creates F.S. 322.0515 to provide for compliance with the federal Selective Service System requirements by male applicants for drivers’ licenses or

identification cards who are between the ages of 18 and 26 years. Directs the Department of Highway Safety and Motor Vehicles to forward certain information to the federal Selective Service System with respect to specified applicants. Also provides that a male applicant under the age of 18 years will automatically be registered with Selective Service upon reaching his 18th birthday. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h0635er.pdf>

Senate House Bill 676 (Ch. 2001-239): Burglary; Prison Releasee Reoffender; Sentencing; Crimes and Penalties

Amends F.S. 775.082(9)(a) by adding “Burglary of a dwelling or burglary of an occupied structure” to the list of crimes for which one qualifies as a “prison releasee reoffender.” Provides for “prison releasee reoffender” designation for an individual who commits certain offenses within 3 years after release from state correctional facility or within 3 years after release from a correctional facility outside the state. Also provides for such designation when a defendant commits a specified offense while on escape status from a correctional institution outside the state. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0676er.pdf>

House Bill 695 (Ch. 2001-126): Criminal Street Gangs; Sentencing; Crimes and Penalties

This bill addresses the ruling by the Florida Supreme Court in State v. O.C., 748 So.2d 945 (Fla. 1999), that held that the enhanced sentencing provisions under Florida law for convicted criminal street gang members were unconstitutional. Revises F.S. 874.04 by adding language that a criminal street gang member’s sentence may be enhanced if the person “committed the charged offense for the purpose of benefiting, promoting, or furthering the interests” of a criminal street gang. The bill also amends the Criminal Punishment Code provisions in F.S. 921.0024, relating to the 1.5 sentencing point multiplier for criminal street gang members, by adopting identical language to that in F.S. 874.04. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h0695er.pdf>

Senate Bill 698 (Ch. 2001-102): Sexual Offenses; Juveniles; Statute of Limitations; Crimes and Penalties

Amends F.S. 775.15(7) as it pertains to the statute of limitations for prosecuting sexual offenses specified in that subsection. If the victim was under 18 years of age at the time of the offense, the statute of limitations does not begin to run until the victim reaches 18 years of age or the violation is

reported to law enforcement or other government agency, whichever occurs earlier. **Effective Date: October 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0698er.pdf>

**Senate Bill 710 (Ch. 2001-80): “Florida Customer Service Standards Act”;
Customer Service; State Agencies; Employers and Employees**

Creates yet-to-be-numbered provisions that require state agencies to implement customer service standards that are specified in the bill. The eleven standards include such things as designating personnel to facilitate customer complaint resolution; providing information and answering customer inquiries; and acknowledging receipt of questions by the next business day. Agencies must also develop a system to review customer complaints and track their resolution. In addition, agencies must develop and employ customer satisfaction measures and have to train their employees and conduct interdepartmental discussions on how to improve customer service. Agencies are to use available funding to accomplish these measures. A person does not have a cause of action against an agency that fails to comply with the law. The law does not apply to a person who uses or requests services or information when such service or information is related to that person’s pending or current criminal prosecution; current incarceration; pending administrative action; or current lawful state or local government custody. **Effective Date: October 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0710er.pdf>

**House Bill 719 (Ch. 2001-182): Agricultural Products; Civil Liability;
Trespass; Crimes and Penalties**

Creates F.S. 604.60 that provides for double monetary damages for the willful and knowing damage or destruction of specified agricultural products, provides considerations and limits in award of damages, and provides for costs and attorney’s fees. Also revises the criminal trespass law in F.S. 810.09 by creating a third-degree felony for trespassing on specified legally posted agricultural sites used for testing and research purposes. [NOTE: SB 1922 also includes the language concerning criminal trespass at posted agricultural sites.] **Effective Date: October 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h0719er.pdf>

**House Bill 757 (Ch. 2001-164): Motor Vehicles; Wrecker Operator Liens;
Unclaimed Property; Abandoned Property; Vessels; Department of Highway
Safety and Motor Vehicles**

Creates F.S. 713.78(13) that governs procedures and conditions for wrecker operator’s to establish liens for reasonable unpaid towing and storage expenses. Also amends portions of F.S. 713.78 by revising requirements for the sale of

unclaimed vehicles and vessels. Revises F.S. 320.03(8) by providing that if a person's name appears on a list published by the Department of Highway Safety and Motor Vehicles [DHSMV] that shows an outstanding wrecker operator's lien under these new provisions of law, DHSMV may not issue a license plate or revalidation sticker to the person who has an unpaid lien. Changes the definition of "abandoned property" in F.S. 713.01 to mean "all tangible personal property that has been disposed of on public property in a wrecked, inoperative, or partially dismantled condition." **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h0757er.pdf>

Senate Bill 766 (Ch. 2001-189): Driver's License; DUI; Crimes and Penalties

This bill makes a technical revision by amending F.S. 322.28(2)(a) to clarify exactly when a driver's license will be suspended after the conviction of a person for a second or third DUI offense. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0766er.pdf>

Senate Bill 770 (Ch. 2001-168): Worker's Compensation; Insurance; Law Enforcement Officers; Sheriffs; Motor Vehicles

Revises F.S. 440.092(2) relating to the "going and coming" language in Worker's Compensation law. The bill states that an injury to a full-time law enforcement officer during the officer's work period, or while going to or coming from work in an official law enforcement vehicle, is presumed to be an injury arising out of and in the course of employment unless the injury was incurred during a distinct deviation for a non-essential personal errand. However, if an agency policy or collective bargaining agreement permits such deviations, the injury will be presumed to be in the course and scope of employment. **Effective Date: June 6, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0770er.pdf>

Senate Bill 784 (Ch. 2001-214): Consumer Protection; Health Studios; Pawnbrokers; Business Opportunity Sellers; Crimes and Penalties

This 34-page bill concerns a number of laws relating to consumer protection. Amends F.S. 501.019(2) by making it a third-degree felony for any person to knowingly make a false representation to the Department of Agriculture and Consumer Services in an attempt to obtain an exemption from the security requirements for health studios that are listed in F.S. 501.016. Creates a new penalty provision for pawnbrokers in F.S. 539.001(12)(n) by making it a first-degree misdemeanor to knowingly accept or receive misappropriated property from a conveying customer in a pawn or purchase transaction. Makes it a third-degree felony under new F.S. 559.809(14) for a business opportunity seller to fail to provide or deliver the products, equipment, supplies, or services

as specified in the written contract that is required under F.S. 559.811.
Effective Date: October 1, 2001, except as bill provides otherwise.

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0784er.pdf>

Senate Bill 810 (Ch. 2001-105): Jurisdiction; Law Enforcement Officers; Municipalities

Amends F.S. 901.252 by expanding the authority of municipal law enforcement officers to patrol and make arrests. Municipal law enforcement officers may patrol and arrest upon probable cause persons committing an offense on property that is leased by their employing municipality that is located outside the jurisdictional limits of the municipality. **Effective Date: May 31, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0810er.pdf>

Senate Bill 822 (Ch. 2001-266): State Property; Auditor General; OPPAGA; Department of Revenue; Crimes and Penalties

The main topic areas of this 194-page bill cover a number of areas concerning government accountability and legal proceedings. The provisions of F.S. 11.47, relating to audits or examinations by the Auditor General or the Office of Program Policy Analysis and Government Accountability (OPPAGA), have been modified. Should a member of the Auditor General's Office or OPPAGA fail or refuse to make a proper audit it is a first-degree misdemeanor. Also, if a person or officer willfully fails or refuses to furnish information to the Auditor General or OPPAGA during the performance of an audit, that person or officer commits a first-degree misdemeanor. Also amends F.S. 195.084, relating to property assessment information exchange between the Department of Revenue and other governmental entities, by adding OPPAGA to the list of recipients of information. It is a first-degree misdemeanor for any of the recipients of the information to release confidential information. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0822er.pdf>

Senate Bill 838 (Ch. 2001-179): Landlord and Tenant; Armed Forces Member; Finder's Fees; Crimes and Penalties

Among other revisions to landlord and tenant law, amends the procedures governing the return of security deposits in F.S. 83.49 and revises the law in F.S. 83.67 and Chapter 715 concerning the storage of personal property upon the surrender or abandonment of the premises by a tenant. Creates new language concerning procedures to be followed when a member of the armed forces has to leave a rented home or apartment. Creates F.S. 475.011(13) that makes it a second-degree misdemeanor for a property management firm or apartment complex owner to pay a finder's fee in excess of \$50.00 to an unlicensed person for the purpose of locating persons to rent or lease property

managed or owned by the management firm or apartment owner. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0838er.pdf>

Senate Bill 840 (Ch. 2001-108): Public Records; Personal Identification Information; Department of Health

Amends F.S. 119.07 by creating a new public records law exemption pertaining to all personal identifying information, bank account numbers and debit, charge, and credit card numbers that are contained in certain records made or received by the Department of Health or its service providers. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0840er.pdf>

Senate Bill 888 (Ch. 2001-109): Probation Violation; Crimes and Penalties

Amends F.S. 948.06, concerning violation of probation or community control, to provide for tolling of the probationary or community control period upon filing of an affidavit and issuance of a warrant for violation. The period is tolled until the court enters a ruling on the violation and the court retains jurisdiction over offender for any violation of conditions of probation or community control for any violation occurring during the tolling period. A probation officer is permitted to continue to supervise any offender available for supervision until supervision expires pursuant to an order of probation or community control, or until the court revokes or terminates the probation or community control, whichever comes first. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0888er.pdf>

Senate Bill 912 (Ch. 2001-110): Criminal Rehabilitation; Department of Corrections; Statewide Drug Policy Advisory Council; Substance Abuse Treatment; Drug Courts; Prisoners; Counties; Faith-based Service Groups; Pretrial Intervention Program; “Addiction-Recovery Supervision Program Act”

This 39-page bill covers a number of topics relating to criminal rehabilitation and the Department of Corrections. Amends F.S. 397.333, concerning the Statewide Drug Policy Advisory Council, by delegating it the duty to examine the extent that state programs involving substance abuse treatment can include a meaningful work component and to recommend ways to expand and fund drug courts. Revises F.S. 944.473 by creating language that the Department of Corrections consider faith-based service groups in providing substance abuse treatment programs. Creates the “Addiction-Recovery Supervision Program Act” under F.S. 944.4731. Amends F.S. 948.08(6) by revising the qualifications for entry into a pretrial intervention program. Also revises the conditions in F.S.

951.10 concerning the leasing of county prisoners to work for any private interests. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0912er.pdf>

House Joint Resolution 951: Florida Constitution; Death Penalty

This bill addresses the ruling by the Florida Supreme Court in Armstrong v. State, (Fla. 2000), that invalidated the 1998 Amendment to the Florida Constitution concerning the death penalty. In its ruling, the Supreme Court held that the ballot language was insufficient to accurately describe the amendment. This Joint Resolution places the previously passed amendment language on the ballot for the next general election, or at a specially called election, but it includes expanded explanation language for the voters. **Effective Date: Not Applicable.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h0951er.pdf>

House Bill 953 (Ch. 2001-58): Burglary; Crimes and Penalties

Creates F.S. 810.015 that provides legislative findings and intent as to the definition of burglary. This section was enacted specifically to nullify the holding of the Florida Supreme Court in State v. Delgado, 776 So.2d 233 (Fla. 2000) by which the court held that in order for a burglary to be committed the offender had to have remained in the dwelling, structure, or conveyance surreptitiously. The legislature found that this opinion was decided contrary to legislative intent. The bill also revises F.S. 810.02 by changing the definition of burglary to make it consistent with legislative intent. The amendment provides that for offenses committed after July 1, 2001, burglary means entering a dwelling, a structure, or a conveyance with the intent to commit an offense therein, unless the premises are at the time open to the public or the defendant is licensed or invited to enter. It is also a burglary, notwithstanding a licensed or invited entry, to remain in a dwelling, structure, or conveyance either: 1. surreptitiously, with the intent to commit an offense therein, or; 2. after permission to remain therein has been withdrawn, with the intent to commit an offense therein, or; 3. to commit or attempt to commit a forcible felony, as defined in F.S. 776.08. **Effective Date: May 25, 2001.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h0953er.pdf>

Senate Bill 978 (Ch. 2001-112): Seaport Security; Office of Drug Control; Florida Department of Law Enforcement; Criminal History Record Checks; Fingerprints

This bill builds upon the actions taken by the 2000 Legislature (Chapter 2000-360) to address the problems of criminal activity that occur in Florida's 14 deep-water seaports. There are currently no consistently recognized security standards for seaports, either at the state or federal level. After last year's

session, the Office of Drug Control, Executive Office of the Governor, had the Camber Corporation conduct a statewide security assessment of the state's seaports. The bill substantially rewords F.S. 311.12 by recognizing that the minimum standards for seaport security will be based upon the security standards and compliance plan presented to the Speaker of the House and the President of the Senate on December 11, 2000 and "adopts" those standards as contemplated in its original version as passed by 2000 Session. Each of the 14 deep-water seaports must maintain a security plan that is in substantial compliance with these identified standards. The security plan must be reviewed and approved by the Florida Department of Law Enforcement (FDLE) and the Office of Drug Control. The bill requires unimpeded access by FDLE to each seaport to perform inspections to assess compliance with state standards. Permits FDLE to conduct "other operations" to gauge a port's compliance with security standards. New language also allows each seaport to establish "restricted access areas" in which criminal history checks for those having access to the areas will apply. If a seaport does not designate such areas, the whole port will be considered to be a "restricted area" and all persons (employees or third parties) having regular access will fall under criminal history check requirements. Regular access to restricted areas shall be allowed with a "restricted area pass."

The law creates a system for fingerprint-based criminal history checks of employees and others having regular access to "restricted areas" within each seaport. Effective January 1, 2002, certain persons convicted of listed felony offenses will be prohibited from access to "restricted areas" (existing employees and those already having access will be "grand-fathered" and will be allowed continued access, but a port can choose to disqualify "grand-fathered" persons on an individual port basis). The ports can also implement additional criminal history restrictions on an individual port basis. For those convicted of listed offenses (drug trafficking, sale, manufacturing, distribution; burglary; robbery; possession of firearm by convicted felon; any crime involving use or possession of a firearm; or conviction of similar offense under laws of another jurisdiction or conspiracy to commit a listed offense) within 5 years, the persons are prohibited from employment or restricted area access. Those convicted must also demonstrate five "clean" years (under no probation, parole, or other sanction) during which they were not convicted of any of the listed offenses before they can become eligible for port employment or access. All existing employees and those having access to the "restricted areas" will be re-checked at least once every 5 years. Costs for the fingerprint-based criminal history checks will be borne by the seaport or the other employing entity or by the person checked. Ports may implement temporary "emergency" waivers when special circumstances require setting the criminal history requirements aside. FDLE must annually report its observations and finding of all inspections or operations conducted during the year and any recommendations developed by reason of such inspections to the Governor, the Senate President, the House Speaker and each seaport's chief administrator. The Legislature will take the reports into account in determining future port funding allocations. Finally, the bill authorizes joint participation agreements when funding is available for seaport security building projects. A contractual penalty not to exceed \$1,000

per day is authorized for failure to meet project completion target dates.
Effective Date: May 31, 2001.

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s0978er.pdf>

Senate Bill 1066 (Ch. 2001-132): Evidence Code; Civil Actions; Crashes

Amends the Evidence Code by creating F.S. 90.4026 that provides that a written or oral statement or gesture of sympathy or benevolence for the suffering or death of a person involved in a vehicle crash made to that person or to his or her family is inadmissible as evidence in a civil action. A “statement of fault,” however, remains admissible. **Effective Date: June 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s1066er.pdf>

House Bill 1083 (Ch. 2001-1): Medical Examiners; Public Records; Law Enforcement Agencies; Sheriffs; Autopsy Photographs/Recordings; Crime-Scene Photographs; Court Orders; Crimes and Penalties

Creates yet-to-numbered section of law concerning the release of photographs or recordings of an autopsy in the custody of a medical examiner. The bill provides a definition of “medical examiner” that includes “any district medical examiner, associate medical examiner, or substitute medical examiner...as well as any employee, deputy, or agent of a medical examiner or an other person who may obtain possession of a photograph or audio or video recording of an autopsy in the course of assisting a medical examiner in the performance of his or her official duties.” Such photographs and recordings are considered confidential and exempt from public record release except that a surviving spouse or specified survivor may view and copy such records upon request. A local governmental agency or state or federal agency in furtherance of its official duties, may view or obtain a copy of such records upon submission of a written request of the medical examiner. The identity of the deceased is to be confidential and exempt from release unless such is required in the performance of the duties of the requesting person or entity. The custodian of such records may not allow any other access to the records without a court order issued upon a showing of defined “good cause” and with restrictions or stipulations that the court deems appropriate. Criminal or administrative proceedings, such as use for grand jury, trial, and criminal discovery purposes are excluded from the criminal penalty section of the law. However, a judge in such a proceeding may order restrictions or controls on the release of an autopsy, crime-scene, or similar photograph or video or audio recording. It is a third-degree felony for any custodian of a photograph or audio or video recording of an autopsy to willfully and knowingly violate the provisions of this law. It is also a third-degree felony for any person to willfully and knowingly violate a court order issued pursuant to the law. **Effective Date: March 29, 2001.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h1083er.pdf>

Senate Bill 1092 (Ch. 2001-271): Police Reports; Public Records; Motor Vehicle Accidents; Attorneys; Unregistered Clinics; Insurance; Crimes and Penalties

As part of this 48-page bill that covers a number of topics, creates F.S. 119.10(3), making it a third-degree felony to violate F.S. 119.105 regarding the use of police reports for the purpose of commercial solicitation. **Effective October 1, 2001**, creates F.S. 456.0375 that makes it a third-degree felony for any person to establish, operate or manage an unregistered clinic as defined in Chapter 456. **Effective October 1, 2001**, amends F.S. 817.234 by making it a third-degree felony for a person or entity to solicit or to cause to be solicited any business from a person involved in a motor vehicle accident by any means of communication other than advertising directed to the public for motor vehicle tort or PIP claims. The revision to F.S. 817.234 also prohibits attorneys from soliciting any business relating to the representation of any person involved in a motor vehicle accident. **Effective Date: June 19, 2001, except as bill otherwise provides.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s1092er.pdf>

Senate Bill 1118 (Ch. 2001-40): “Florida Election Reform Act of 2001”; Elections; Absentee Voters; Polling Place Procedures; Department of State; Sheriffs; Crimes and Penalties

This 103-page bill extensively revises the laws concerning elections. In addition to addressing the types of voting systems that may be utilized in elections, it establishes procedures for the casting of “provisional ballots” when there are questions about the validity of registration or correct voter precinct assignment. The law also considerably amends provisions concerning absentee ballots and electors and creates new violations of law pertaining to a variety of subjects. Revises the definition of “absentee elector” and creates definitions for “Member of the Merchant Marine”, “Overseas Voter”, and “Uniformed Services” in F.S. 97.021. New F.S. 101.5614(9) makes it a third-degree felony for any supervisor of elections, deputy supervisor of elections, canvassing board member, election board member, or election employee to release the results of an election prior to the closing of the polls on election day. Amends F.S. 101.64, regarding the return of an absentee ballot, by requiring an absentee elector to certify that he or she has not and will not vote more than one ballot in the particular election and that any fraud in voting is a third-degree felony. Revised F.S. 101.68(2) makes it a third-degree felony for any supervisor of elections, deputy supervisor of elections, canvassing board member, election board member, or election employee to release the results of a canvassing or processing of absentee ballots prior to the closing of the polls on election day. Repeals F.S. 104.047(3) and (5) that had made it a first-degree misdemeanor for a person, other than a notary or other specified officer, to witness more than five absentee ballots in any single election, or for a person to return more than two absentee ballots to a supervisor of elections, respectively. Creates F.S. 102.014 that requires the supervisor of elections to conduct training for inspectors, clerks, and deputy

sheriffs prior to specified elections. Under this section, the Department of State must create and distribute a uniform polling place procedures manual to guide polling place workers in the proper implementation of election procedures and rules. **Effective Date: January 1, 2002, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s1118er.pdf>

House Bill 1121 (Ch. 2001-156): Driver's Licenses; Department of Highway Safety and Motor Vehicles; Tax Collectors

Amends F.S. 322.02 to authorize county tax collectors to be designated as the exclusive agents of the Department of Highway Safety and Motor Vehicles for issuing driver's licenses within a county. **Effective Date: June 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h1121er.pdf>

House Bill 1157 (Ch. 2001-200): Department of State; Law Enforcement Agencies; Sheriffs; Foreign Nationals; Arrest

As part of this bill relating to the Department of State, amends F.S. 288.816 by deleting the duty, under Florida law, of law enforcement agencies to notify the Department of State upon the arrest or incarceration of a foreign citizen. Of course, agencies are required to provide consular notification upon arrest of foreign nationals as provided in the Vienna Convention of Consular Relations and in any other bilateral conventions between the United States and another nation. Also significantly rewords the provisions of F.S. 901.26 that had provided alternate notification procedures upon the arrest of a foreign national. Now this section provides that failure to notify under required treaties cannot be a defense to a criminal charge or a cause for discharge from custody. The publication that provides information concerning requirements of consular notification and access is available at the U.S. Department of State website at http://www.state.gov/www/global/legal_affairs/ca_notification/ca_prelim.html. **Effective Date: June 9, 2001, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/s1157er.pdf>

Senate Bill 1198 (Ch. 2001-114): Two-Way Radios; Crimes and Penalties

Creates F.S. 934.215, making it a third degree felony to use a two-way communications device to facilitate or further the commission of any felony. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s1198er.pdf>

Senate Bill 1202 (Ch. 2001-45): Assisted Living Facilities; Medical Records; Crimes and Penalties

In part, creates F.S. 440.449 that makes it a second-degree misdemeanor for any person to fraudulently alter, deface, or falsify any record of an assisted living facility, or to cause or procure any such offense to be committed. **Effective Date: May 15, 2001, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s1202er.pdf>

Senate Bill 1214 (Ch. 2001-68): Foster Care; Assault/Battery; Department of Children and Family Services; School Employees; Crimes and Penalties

Amends F.S. 784.081 as part of this 34-page bill relating to foster care topics. This law imposes enhanced penalties on persons convicted of committing assault or battery offenses against a specified list of persons, including school employees and Department of Children and Family Services investigators. Adds “an employee of a lead community-based provider or its direct service contract providers” to the list of specified victims. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s1214er.pdf>

Senate Bill 1258 (Ch. 2001-191): Substance Abuse; Department of Children and Family Services; Agency for Health Care Administration; Juveniles; Mental Health Services; Jails; Behavioral Health Services Integration Workgroup

This 27-page bill concerns a number of areas relating to substance abuse and mental health services that are meant to increase the level and efficiency of the delivery of services. Also creates F.S. 394.499 that, beginning January 1, 2002, requires the Department of Children and Family Services (DCFS) and the Agency for Health Care Administration (AHCA) to establish children’s behavioral crisis unit demonstration models in Collier, Lee, and Sarasota Counties. These models will integrate children’s mental health crisis stabilization units with substance abuse juvenile additions receiving facility services. The Secretary of DCFS is also to establish a Behavioral Health Services Integration Workgroup, composed of members from a number of entities, including county jails and Baker Act receiving facilities, to assess barriers to effective and efficient integration of mental health and substance abuse treatment services. **Effective Date: June 8, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s1258er.pdf>

Senate Bill 1282 (Ch. 2001-115): Grand Theft; Cargo Theft; Retail Theft; Emergency Medical Equipment; Driver’s License; Forgery; Fraud; Retail Crime Task Force; Counterfeit Checks; Crimes and Penalties

This 43-page bill concerns a number of revisions to the theft laws. Creates a definition of “cargo” in F.S. 812.012 and then creates the crime of “cargo theft”

in F.S. 812.014. If the cargo value is \$50,000 or more, the offense is a first-degree felony; if the cargo value is less, the offense is a second-degree felony. Amends F.S. 812.014 to list offense of theft of “emergency medical equipment” valued in excess of \$300 as a second-degree felony. Revises the retail theft law in F.S. 812.015 by raising the penalty for unlawful use of antishoplifting or inventory control device to a third-degree felony. Creates second-degree felony retail theft provisions in cases in which the value or aggregate value of stolen property is \$300 or more and the crime is committed through coordination with other perpetrators, by multiple thefts from more than one location over a 48 hour period, through use of diversionary tactics, or by purchase of merchandise containing stolen property concealed in the same package or box. New F.S. 812.0155 authorizes a court to suspend the driver’s license of persons adjudicated guilty or delinquent of theft. Creates the new offense of use of a fraudulent receipt under F.S. 812.017 and the offense of dealing in stolen property by use of the Internet under F.S. 812.0195. Violation of these laws is either a felony or misdemeanor depending on the value of the property stolen or the method of use of the fraudulent receipt. Also creates the felony offense of use of a scanning device or reencoder to defraud under F.S. 817.625. Amends the forgery and fraud offenses in F.S.S. 831.07, 831.08 831.09, 831.11, and 831.12, by adding the terms “checks and drafts” to the list of categories of financial instruments covered by those sections of law. Creates third-degree felony offenses regarding counterfeit checks, money orders, or other payment instruments under F.S. 831.28. Encourages local law enforcement agencies to establish retail crime task forces, composed primarily of merchants and their employees, for purpose of advising law enforcement, State Attorneys, and judges how to handle retail crime and theft in an expeditious and uniform manner. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s1282er.pdf>

Senate Bill 1284 (Ch. 2001-158): Child Support; Driver’s License; Vehicle Registration; Department of Highway Safety and Motor Vehicles; Vessel Registration; Crimes and Penalties

This 86-page bill relates to many provisions of law concerning child support enforcement. The Department of Highway Safety and Motor Vehicles (DHSMV) may reinstate the license and registration upon compliance by the driver with the court order, subpoena, etc. Also revises F.S. 328.42(1) to allow DHSMV to suspend vessel registrations for persons who have delinquent support obligations. **Effective July 1, 2001**, amends F.S. 322.058(1) to authorize DHSMV to suspend the driver’s license and any vehicle registrations of a person who has failed to comply with a subpoena, order to appear, order to show cause, or similar order in a child support matter. **Effective Date: June 5, 2001, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s1284er.pdf>

Senate Bill 1318 (Ch. 2001-244): Correctional Officers; Jails; Prisoners; Assault; Battery; Department of Corrections; Communicable Diseases; Criminal Mischief; Crimes and Penalties

Creates F.S. 784.074 prohibiting assault or battery against the staff of a sexually violent predator detention or commitment facility, and penalties are enhanced by one degree for each violation. Also creates F. S. 784.078 that makes it a third-degree felony to throw, toss, or expel certain fluids or materials on an employee of specified correctional and detention facilities, including state prisons and county, municipal, and regional jails. Revises F.S. 945.35 by providing for the testing and treatment of an inmate if the Department of Corrections has reason to believe that he or she has transmitted a communicable disease to any correctional officer or employee. Also creates F.S. 806.13(4), making it third-degree felony to willfully and maliciously deface, injure, or damage a sexually violent predator detention or commitment facility. **Effective Date: October 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s1318er.pdf>

Senate Bill 1344 (Ch. 2001-273): Employers and Employees; Veteran's Preference

Revises F.S. 295.07 by removing city and county managers, management positions, and policymaking positions from the list of positions that are exempt from veteran's preference for appointment and retention. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s1344er.pdf>

House Bill 1419 (Ch. 2001-199): Historic Preservation; Sentencing; Restitution; Crimes and Penalties

In this 43-page bill concerning historic preservation, amends F.S. 267.13(1)(b), relating to penalties for defacing, destroying, or altering an archaeological site, by allowing a sentencing court to order the defendant to make restitution to the state for the archaeological or commercial value and cost of restoration and repair as specified in the law. **Effective Date: January 1, 2002, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h1419er.pdf>

House Bill 1425 (Ch. 2001-127): Florida Department of Law Enforcement; Violent Crime and Drug Control Council; Comptroller; Office of Drug Control; Controlled Substances; DNA; Criminal History Records; Expunction and Sealing of Records; Juveniles; Postarrest Diversion Programs; Law Enforcement Agencies; Sheriffs; State Attorneys; School Districts; Law Enforcement Communications; Crimes and Penalties

This 49-page bill is the major piece of substantive legislation affecting the Florida Department of Law Enforcement (FDLE) coming out of the 2001 Legislative Session. In amending F.S. 943.031 it expands the role and function of the Violent Crime Council to include providing matching funding for regional investigations that are determined by the council to significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council. The Director of the Office of Drug Control within the Governor's Office and the state's Comptroller have been added to the Council, which is now named the Violent Crime and Drug Control Council. This year \$2 million has been appropriated for use by the Council in providing the matching funding. FDLE is initiating the process necessary to revise and develop rules to implement the legislative mandate.

In revising F.S. 943.325, the bill also expands FDLE's options for collecting DNA specimens for use in the state's convicted offender DNA database. After July 1, 2001, FDLE can utilize any approved biological specimen to secure DNA. Under current law, FDLE was required to use only blood specimens. With the change in the law, FDLE will be moving to utilize swabs that collect DNA by lightly rubbing inside the cheek (in the mouth). This should greatly assist efforts to obtain DNA samples from convicted offenders who for whatever reason are not being medically processed and are not having their blood drawn. [NOTE: Senate Bill 366 expands the classes of offenders that will be required to submit DNA samples.]

Amends F.S. 943.0585 and F.S. 943.059, concerning the sealing and expunction of criminal history records, by adding several offenses to the list of offenses for which no seal or expunge is available. The added offenses are: F.S. 787.025 (Luring or Enticing A Child For Other Than Lawful Purpose); F.S. 796.03 (Procuring Person Under 18 For Prostitution); F.S. 825.1025 (Lewd/Lascivious Offense In Presence of Elderly or Disabled Adult); F.S. 847.0133 (Distributing Obscenity To Minor); F.S. 847.0135 (Computer Child Pornography); and F.S. 847.0145 (Selling or Buying Minor For Sexual Performance). This change will assure that registered Sexual Predators or registered Sexual Offenders will not try to avoid registration and notification requirements by getting their records sealed or expunged.

The bill also creates F.S. 943.0582 that expands options for first time non-serious misdemeanor juvenile offenders to have their records sealed or expunged after successful completion of an approved diversion program. This provision was included in the bill at the request of local law enforcement and state attorney offices. Amends F.S. 985.3065 by permitting a law enforcement agency or school district, in conjunction with the state attorney, to establish postarrest diversion programs for juvenile offenders. (NOTE: HB 267 also contains the seal and expunction and postarrest diversion program language of this bill.)

Amends F.S. 943.053 to clarify how FDLE much can charge the public for copies of the Department's criminal histories. The cost is to factor in all the costs associated with maintaining and operating the Florida criminal history system and the cost is to be based on a per-record basis, regardless of the quantity of criminal histories sought by the person requesting them.

Creates F.S. 843.167 to provide a sentencing enhancement when a scanner radio is used to intercept police radio communications for the purpose of assisting the commission of the underlying crime and creates a first-degree misdemeanor for divulging the contents of an intercepted police radio communication to a person known to be a suspect in the commission of a crime with the intent to aid that suspect. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h1425er.pdf>

House Bill 1429 (Ch. 2001-76): “Cardiac Arrest Survival Act”; Civil Liability; Defibrillators

Creates the “Cardiac Arrest Survival Act” in F.S. 768.1325 that provides definitions and guidelines for the use of automated external defibrillator devices. Also provides for release from civil liability for proper use of such devices. **Effective Date: October 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h1429er.pdf>

Senate Bill 1526 (Ch. 2001-119): “Money Transmitters Code”; Department of Banking and Finance; “Deferred Presentment Act”; Payday Advance Lenders; Crimes and Penalties

This 28-page bill affects numerous sections of Chapter 560 concerning regulation of money transmitters by the Department of Banking and Finance. New F.S.S. 560.401 through 560.408 is referred to as the “Deferred Presentment Act” and these sections provide definitions, registration requirements, transaction requirements, and related procedures concerning the business of “providing currency or a payment instrument in exchange for a person’s check and agreeing to hold the person’s check for a period of time prior to presentment, deposit, or redemption.” The affected businesses are also commonly referred to as “payday advance lenders.” Amends the definition section in F.S. 560.103 by including new language concerning “deferred presentments” as part of the “Money Transmitters Code,” and including “deferred presentment providers” in the definition of “money transmitter.” Creates third-degree felony offense in F.S. 560.111(4) for violation of specified “deferred presentment” laws. **Effective Date: October 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s1526er.pdf>

House Bill 1541 (Ch. 2001-161): Economic Development Agencies; Public Records; Crimes and Penalties

The bill concerns economic development agencies and, in addition to expanding the definition of such agencies, also creates new language in F.S. 288.075 concerning the confidentiality of trade secrets in the hands of such agencies. If such trade secrets are requested to be held confidential, such confidentiality must be recognized for a 10-year period. Under F.S. 288.075(7), any employee of an economic development agency who violates any provision of this section, including premature release of confidential information, commits a second-degree misdemeanor. **Effective Date: October 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h1541er.pdf>

Senate Bill 1558 (Ch. 2001-277): Health Care; Clinics; Opticians; Psychologists; Clinical Social Workers; Patient Records; Crimes and Penalties

The 318-page bill relates to many areas of health care and it affects a number of state agencies and programs. Revises F.S. 484.013(5), concerning penalties for opticians, by creating a third-degree felony when a person prepares or dispenses lenses, spectacles, eyeglasses, contact lenses, or other optical devices without first being furnished a prescription. Revises F.S. 400.1415, concerning patient records, by making it a second-degree misdemeanor for a person to release medical records for the purposes of solicitation or marketing the sale of goods or services absent a specific written release or authorization permitting the use of patient records for such. **Effective October 1, 2001**, creates F.S. 456.0375 governing the registration and requirements of specified types of clinics. Subsection (4)(b) makes it a third-degree felony for any person to establish, operate, or manage an unregistered clinic that is required to be registered under the law. **Effective January 1, 2002**, clarifies the violations in F.S. 490.012 concerning psychologists. It will be a first-degree misdemeanor to hold oneself out as a “psychologist” unless a person holds a valid, active license as a psychologist under Chapter 490. Similarly, it is a violation for a person to refer to oneself as a “school psychologist” unless the person holds a valid active license as such under Chapter 490 or is certified as a school psychologist by the Department of Education. **Effective January 1, 2002**, amends F.S. 491.012, relating to penalties for violations by clinical social workers, by permitting registered interns to practice clinical social work, marriage and family therapy, and mental health counseling without violating the law. **Effective Date: July 1, 2001, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s1558er.pdf>

House Bill 1673 (Ch. 2001-50): “Family Protection Act”; Child Protective Service Investigators; Domestic Violence; Battery; Fines; Jails; Sentencing; Batterer’s Intervention Program; Crimes and Penalties

Amends F.S. 39.301(9) to require child protective service investigators to receive training on removing perpetrators from the home by use of injunctions. Creates F.S. 741.283 that requires a minimum 5-day jail term, in addition to other penalties, for domestic violence offenses when the perpetrator has intentionally caused bodily harm to another person. Amends F.S. 784.03(2) by providing that a person commits felony battery when he or she receives a second or subsequent conviction of any type of battery offense. Creates F.S. 938.08 imposing an additional surcharge for any offense of domestic battery, and for stalking offenses while providing for allocations of the additional surcharge to the cost of incarcerating domestic violence offenders or for providing additional training to law enforcement officers in combating domestic violence. Revises F.S. 948.03 and F.S. 741.281 by requiring a person convicted of domestic violence, as a condition of probation, community control, or other court-ordered community supervision, to complete a batterers' intervention program, unless the person does not qualify for such. Also amends F.S. 741.01 by specifying that the proceeds of the fine surcharge under F.S. 938.08 may be used, up to \$500,000 per year, for a statewide public-awareness campaign regarding domestic violence. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h1673er.pdf>

House Bill 1729 (Ch. 2001-183): Batterer's Intervention Program; Department of Corrections; Department of Children and Family Services; Sentencing

Amends F.S. 741.32 and F.S. 741.325 by transferring Batterers' Intervention Programs from the Department of Corrections to the Department of Children and Family Services. Also amends F.S. 921.0024 removing the responsibility of the Department of Corrections for preparing sentencing scoresheets. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h1729er.pdf>

House Bill 1803 (Ch. 2001-91): Worker's Compensation; Crimes and Penalties

The 79-page bill covers a number of topics relating to Worker's Compensation law. A change to F.S. 440.105(3), concerning the first-degree misdemeanor penalty for receiving a gratuity from a client in a worker's compensation action, allows the receipt of such upon approval of either a Judge of Compensation Claims or the Deputy Chief Judge of Compensation Claims. **Effective Date: October 1, 2001, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h1803er.pdf>

House Bill 1805 (Ch. 2001-163): Public Records; Motor Vehicles; Crash Reports; Crimes and Penalties

Amends F.S. 316.066(3) to provide a 60-day exemption from public records requirements for vehicle crash records that contain specified personal information about the parties involved in the crash. Provides for release of information to specified parties such as insurance companies, legal representatives, and certain media. It is a third-degree felony for any employee of a state or local agency to illegally disclose confidential information. It is also a third-degree felony for any person, knowing that he or she is not entitled to obtain confidential information under this section, to obtain or attempt to obtain the information. **Effective Date: June 5, 2001.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h1805er.pdf>

House Bill 1845 (Ch. 2001-233): Personal Identification Information; Identity Theft; Statute of Limitations; Venue; Crimes and Penalties

Amends F.S. 817.568(2) by creating a second-degree felony offense to “willfully and without authorization fraudulently use personal identification information concerning an individual without first obtaining the individual’s consent” if the benefit or services received, the payment sought to be avoided, or the amount of injury or fraud perpetrated is \$75,000 or more. New F.S. 817.568(4) enhances the underlying offense by one degree if the offense was facilitated or furthered by use of a public record. Clarifies that venue for the prosecution of such offenses may be in any county in which any element of the offense occurred. Further creates a statute of limitations of 3 years after an offense occurred, or within 1 year after discovery of the offense by aggrieved party, if such prosecution is commenced within 5 years after the violation occurred. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/House/bills/billtext/pdf/h1845er.pdf>

Senate Bill 1922 (Ch. 2001-279): Agriculture; Department of Agriculture and Consumer Services; Plant Industry; Food Production Industry; Humane Slaughter of Animals; Trespass; Crimes and Penalties

The 76-page bill covers a number of topics relating to the agriculture industry. Amends F.S. 581.211(1) by making it a first-degree misdemeanor to violate any rules adopted under this chapter of law relating to the plant industry. Revises and creates definitions and new provisions of law in various sections of Chapter 828.23 concerning the slaughter of animals by the food production industry. Revises the penalty section in F.S. 828.24 regarding humane methods of animal slaughter. Under changes to F.S. 828.26 violation of the animal slaughter laws is a second-degree misdemeanor and violation of the law or any rule relating to animal slaughter can lead to a \$10,000 fine for each violation. **Effective October 1, 2001**, as in HB 719, revises the criminal trespass law in F.S. 810.09 by creating a third-degree felony for trespassing on specified legally posted agricultural sites used for testing and research purposes. **Effective Date: July 1, 2001, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s1922er.pdf>

Senate Bill 1932 (Ch. 2001-57): Controlled Substances; Drug Trafficking; GBL; GHB; PMMA; LSD; Nitrous Oxide; Nuisance Abatement; Orange County; Crimes and Penalties

Amends the controlled substance schedules in F.S. 893.03 by adding 4-methoxymethamphetamine (PMMA) to Schedule I, and moving 1,4 Butanediol, Gamma-butyrolactone (GBL) and Gamma-hydroxybutyric acid (GHB) from Schedule II to Schedule I. Revises F.S. 893.033, regarding precursor chemicals, by adding Chloroephedrine and Chloropseudoephedrine to the list. Amends F.S. 893.135 by adding trafficking offenses for Gamma-butyrolactone (GBL), 4-methoxymethamphetamine (PMMA), and lysergic acid diethylamide (LSD). Changes F.S. 877.111, regarding criminal use or possession of nitrous oxide, by deleting the exception for nitrous oxide mixed with 100 parts per million of sulfur dioxide and substituting as an exception nitrous oxide that is possessed and used as a motor vehicle induction additive when mixed with sulfur dioxide. Amends F.S. 823.10 by adding the term "structure" to the list of places that can qualify as a public nuisance when the property is used to illegally keep, store, or use controlled substances. Also makes it a third-degree felony to maintain such a public nuisance involving illegal controlled substances in a warehouse, structure or building. Creates a 3-year pilot program supervised by Orange County Sheriff's Office targeting illegal shipment of narcotics via package delivery services. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s1932er.pdf>

Senate Bill 1956 (Ch. 2001-196): Motor Vehicles; Compliance Examiner; Fines; Handicapped Parking; High-Risk Drivers; Driver's License; Commercial Motor Vehicles; Motor Vehicle Dealers; Department of Highway Safety and Motor Vehicles; Recreational Vehicles; Recovering, Towing, or Storing Vehicles and Vessels; Unclaimed Motor Vehicles

This 74-page bill covers a great number of topics related to motor vehicles. Amends F.S. 316.1951(4) by adding compliance examiners to the list of persons who may approve the towing of vehicle under this section. Revises F.S. 318.18(6) by providing that the amount of a fine under F.S. 318.14 for a handicapped-parking violation is to be \$100, or the fine designated by county ordinance, plus court costs. Amends F.S. 322.161, regarding high-risk drivers, by raising from 4 points to 6 points the level at which license suspensions or restrictions will apply. Revises F.S. 322.2615 (regular license) and F.S. 322.64 (commercial license) by changing the temporary driving permit from a 30-day to a 10-day permit. This is the driving permit that is issued at roadside, if eligible, or upon administrative suspension for unlawful alcohol level or refusal to take an alcohol test. Amends F.S. 322.61 by requiring disqualification, and prescribing terms of disqualification, from operating a commercial motor vehicle. Revises numerous sections in Chapter 320 concerning commercial

motor vehicle dealers. Provides changes to F.S. 681.1097 concerning the pilot recreational vehicle mediation and arbitration program.

Amends F.S. 713.78 by requiring that any law enforcement agency which authorizes the removal or towing of a vehicle electronically provide a full description of the vehicle to the Department of Highway Safety and Motor Vehicles, or the appropriate agency of the state of registration if known, within 24 hours. The department must provide to the law enforcement agency within 72 hours the owner's name, the insurance company, and whether any person has filed a lien on the vehicle. This information must be obtained from the law enforcement agency by the person in charge of recovering, towing, or storing the vehicle within 5 days from the date of storage in order to provide the required notice, to include the insurance company insuring the vehicle. Repeals F.S. 715.05 governing the reporting of unclaimed motor vehicles. **Effective Date: June 8, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s1956er.pdf>

Senate Bill 2012 (Ch. 2001-221): Sexual Offenses; “Williams Rule”; Evidence Code; Character Evidence; Trials; Juveniles

Amends the Evidence Code at F.S. 90.404 to clarify that the grounds for admission of so-called “Williams Rule” (similar fact) evidence in a criminal trial are representative examples rather than an exclusive list. Adds an exception to the limited grounds for admission of similar fact evidence in child molestation cases, as defined in the bill, to permit evidence of other acts of child molestation to be heard and “considered for its bearing on any matter to which it is relevant.” Requires 10 days advance notice to the defense for admission of this kind of evidence. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s2012er.pdf>

Senate Bill 2092 (Ch. 2001-222): Patient Records; Crimes and Penalties

As part of a bill concerning health care, revises F.S. 400.1415(1) by making it a second-degree misdemeanor to also release any medical record for the purpose of solicitation or marketing the sale of goods or services absent a written release or authorization permitting use of the patient information. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s2092er.pdf>

Senate Bill 2104 (Ch. 2001-141): Property Rentals; Crimes and Penalties

Amends F.S. 812.155(7), concerning the hiring, leasing, or obtaining of personal property or equipment with intent to defraud. It provides that the exclusion of property obtained under a rental-purchase agreement from criminal penalty under this law does not apply when the rental store retains title to the property

through the period of the rental-purchase agreement. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s2104er.pdf>

Senate Bill 2118 (Ch. 2001-177): Obscene Materials; Adult Stores; Schools; Juveniles; Crimes and Penalties

Amends and creates numerous definitions in F.S. 847.001 pertaining to sexual activity and adult establishments such as bookstores, theaters, cabarets, and unlicensed massage establishments. Also creates a third-degree felony under F.S. 847.0134 that prohibits adult entertainment establishments that display, sell, or distribute materials harmful to minors from being located within 2,500 feet of a school. **Effective Date: July 1, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s2118er.pdf>

Senate Bill 2220 (Ch. 2001-251): Copyrights; Computers; Software; Public Records; Counties; Municipalities

Creates F.S. 119.084 to replace and largely duplicate existing F.S. 119.083 that was allowed to repeal on October 1, 2000, authorizing state and local agencies to copyright and market agency-created data processing software. As before, agencies are permitted to sell or license copyrighted data processing software, with proceeds to state agencies to be deposited into a trust fund for authorized uses. Local agencies may designate how such proceeds are to be used. As in prior law, consideration of public access to records stored electronically must figure in decisions made with regard to designing, acquiring, using, or contracting for software and recordkeeping systems. Authorizes fees in accordance with existing public records law for records produced in a medium not routinely used by the agency or in a compilation not routinely developed or maintained by the agency. **Effective Date: June 15, 2001.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s2220er.pdf>

Senate Bill 2240 (Ch. 2001-281): Motor Vehicle Service Agreements; Crimes and Penalties

The 32-page bill covers a number of topics relating to motor vehicle warranties and service agreements. Creates F.S. 634.282, making it a second-degree misdemeanor for a salesperson to present a false claim for payment to a motor vehicle service agreement company. It is also the same level of offense for a salesperson who represents a motor vehicle service agreement company to secure cash advances by making a false statement, or to fail to turn over when required, or account for, all collections of such a service company. **Effective Date: June 19, 2001, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2001/Senate/bills/billtext/pdf/s2240er.pdf>

EFFECTIVE DATES OF 2001 LAWS
Bills/Chapters Marked With An Asterisk (*) Have Multiple Effective Dates
Please See Summaries for Details

EFFECTIVE PRIOR TO JULY 1, 2001

Bill # (Chapter #)	Bill # (Chapter #)	Bill # (Chapter #)
SB 84 (2001-264)	SB 770 (2001-168)	HB 1157* (2001-200*)
HB 157 (2001-85)	SB 810 (2001-105)	SB 1202* (2001-45*)
HB 199 (2001-48)	HB 953 (2001-58)	SB 1258 (2001-191)
SB 238 (2001-202)	SB 978 (2001-112)	SB 1284* (2001-158*)
SB 252 (2001-94)	SB 1066 (2001-132)	HB 1805 (2001-163)
SB 272 (2001-95)	HB 1083 (2001-1)	SB 1956 (2001-196)
SB 354 (2001-187)	SB 1092* (2001-271*)	SB 2220* (2001-251*)
SB 408 (2001-165)	HB 1121 (2001-156)	SB 2240* (2001-281*)
SB 412 (2001-38)		

EFFECTIVE JULY 1, 2001

Bill # (Chapter #)	Bill # (Chapter #)	Bill # (Chapter #)
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HB 175 (2001-147)	HB 403 (2001-151)	HB 1429 (2001-76)
SB 202 (2001-78)	HB 455* (2001-228*)	SB 1526 (2001-119)
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