

**2008 LEGISLATIVE SUMMARY  
LAWS OF INTEREST TO FLORIDA LAW ENFORCEMENT**

**FINAL VERSION:** The Governor has completed action on all of the summarized bills. The Index, Conversion Tables, and Effective Date Table have been updated to reflect the veto of HB 7059 [Wildlife] that had been summarized in an earlier version.

This Legal Bulletin contains brief summaries of most laws of interest to the Florida law enforcement community that were passed during the regular session of the 2008 Florida Legislature. Since this document contains only summaries, you should read the entire content of any law in which you have particular interest by clicking the hyperlink addresses as furthered explained below. At the end of the summaries you will find an index 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. *Due to differences in printers and screen settings, the index page number references are accurate only when the Summary is printed in hard copy using the Word Version.*

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, Sharon Traxler, Linton Eason, Fern Rosenwasser, Grace Jaye, Merribeth Holmes, and Jim Martin for the hours they 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/ogc>.

The Summary includes Internet hyperlinks to the text of the bills. If you access our Summary via the Internet, you can link to the bills directly. If you have a printed copy of the Summary, type the link into your internet browser to access bills of interest. You will need the Adobe Acrobat reader to read the bills. It may be downloaded from <http://www.adobe.com/products/acrobat/readstep2.html>.

Please note that as we are providing links to the text of the bills, our summaries are intentionally less detailed than in the past. We have not discussed every element of every summarized law. ***Do not rely solely on our summary for a complete understanding of any bill!*** Law enforcement officers should check with their chain of command and agency legal advisors to determine the effect specific legislation may 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:*

**House Documents Office**  
Room 334, The Capitol  
Tallahassee, FL 32399-1300  
(850) 488-7097

**Senate Documents Office**  
Room 304, The Capitol  
Tallahassee, FL 32399-1100  
(850) 487-5285

FLORIDA DEPARTMENT OF LAW ENFORCEMENT  
OFFICE OF GENERAL COUNSEL



2008 LEGISLATIVE SUMMARY

**House Bill 29 (Ch. 2008-27): DNA Testing; Florida Department of Law Enforcement; Stalking; Voyeurism, Obscene/Lewd Materials; Computer Pornography; Minors; Dressing Room Customers; Criminal Gangs; Gangs; Crimes and Penalties**

Amends F.S. 943.325 by expanding the list of offenses for which offenders must supply biological specimens to FDLE for DNA testing. Added to the list are misdemeanor violations of F.S. 784.048 [Stalking], F.S. 810.14 [Voyeurism], F.S. 847.011 [Obscene/Lewd Materials], F.S. 847.013 [Exposing Minors to Harmful Motion Pictures, etc.], F.S. 847.0135 [Computer Pornography], and F.S. 877.26 [Observation, etc., of Customers in Merchant's Dressing Rooms]. It also adds offenses that were found, pursuant to F.S. 874.04, to have been committed for the purpose of benefiting, promoting, or furthering the interests of a criminal gang. *Effective Date: July 1, 2008.*

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h002902er.pdf>

**House Bill 35 (Ch. 2008-154): Social Workers; Crimes and Penalties**

Creates a definition of "social worker" in F.S. 39.01 and F.S. 491.003. Also makes it a first-degree misdemeanor in new F.S. 491.016 for a person, with or without compensation, to hold himself or herself out to the public as being a social worker without possessing the credentials listed in the section. The new law does not apply to a person who used the "social worker" title in his or her employment before the effective date of the bill. *Effective Date: July 1, 2008.*

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h003501er.pdf>

**House Bill 43 (Ch. 2008-238): Gangs; Criminal Gangs; Felons; Firearms; Bulletproof Vests; Controlled Substances; Nuisances; Civil Actions; Law Enforcement Agencies; Sheriffs; State Attorneys; RICO; Racketeering Activity; Fleeing/Eluding Officer; Accessory After the Fact; Sexual Battery; Bail; Tampering; Harassment; Witnesses; Victims; Informants; Florida Violent Crime and Drug Control Council; Probation; Community Control; Parole; Conditional Release; Sentencing; Coordinating Council on Criminal Gang Reduction Strategies; Attorney General; Florida Department of Law Enforcement; Crimes and Penalties**

This 95-page bill covers numerous topics and substantially revises F.S. Chapter 874, now titled "Criminal Gang Enforcement and Prevention", and other sections of law relating to

criminal gangs. Amends F.S. 775.13 so that felons must register if convicted of gang-related offenses and provides a third-degree felony penalty for failure to comply. Creates a first-degree felony in F.S. 790.23(4) for illegal possession of a firearm by a gang-related convicted felon. Revises F.S. 775.0846, concerning possession of a bulletproof vest while committing an offense, by adding gang-related offenses and controlled substance-related offenses to the list of prohibited activities. Revises the nuisance laws in F.S. 823.05 as such relates to groups engaged in gang-related activity.

Substantially revises and creates definitions in F.S. 874.03 relating to criminal gangs, etc. Also amends the gang-related offenses in F.S. 874.04 and the violations in F.S. 874.05 for causing or soliciting, etc., criminal gang membership. New F.S. 874.045 specifies that nothing will prohibit the arrest and prosecution of a criminal gang member under other applicable sections of law unless prohibited by a statutory or constitutional provision. Revises the laws in F.S. 874.06 that permit civil causes of action against criminal gangs. Amends F.S. 874.09 regarding the duties of FDLE and powers of law enforcement agencies to compile and share crime data information relating to criminal gangs and their members. Local law enforcement agencies may also notify the State Attorney of the arrest of a criminal gang member or associate. Creates felony offenses in F.S. 874.10 for directing the activities of a criminal gang; in F.S. 874.11 for electronic communication violations relating to criminal gangs; and in F.S. 874.12 for unlawful possession or creation of identification documents relating to criminal gang activities.

Adds the offenses of fleeing/eluding or aggravated fleeing/eluding an officer, criminal gang member registration violations, accessory after the fact, and sexual battery when related to criminal gang activity to the definition of racketeering activity in F.S. 895.02(1). Revises the list of offenses and the source of funds that a court must consider when determining bail per F.S. 903.046. Extensively revises and creates new offenses in F.S. 914.22 concerning tampering with or harassing witnesses, victims, or informants. Amends the duties in F.S. 943.031 of the Florida Violent Crime and Drug Control Council to include strategy development to address criminal gang activity. Creates F.S. 948.033 concerning conditions of probation or community control for criminal gang participants; amends F.S. 947.18 relating to parole for criminal gang participants; and creates F.S. 947.1405(11) concerning conditional release programs for such participants.

***Effective July 1, 2008***, the bill creates the Coordinating Council on Criminal Gang Reduction Strategies that is tasked with the duty of addressing the criminal gang situation in Florida. The Council will be made up of representatives from the Office of the Attorney General and other law enforcement agencies and associations.

Due to the length of this bill, please review it in order to determine all applicable additions and changes. ***Effective Date: October 1, 2008, except as the bill provides otherwise.***

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h004305er.pdf>

**House Bill 61 (Ch. 2008-67): Law Enforcement Officers; Resisting Arrest; Use of Force; Legal Duty; Good Faith; Crimes and Penalties**

Adds language in F.S. 776.051 that states that a person is not justified in using force to resist a law enforcement officer who was engaged in the execution of a legal duty if the officer was acting in good faith and was known, or reasonably appeared, to be an officer. An officer, or person aiding an officer, is also not justified to use force against a person in executing a legal duty if such duty was unlawful and the officer knew that the duty was unlawful. *Effective Date: July 1, 2008.*

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h006102er.pdf>

**House Bill 85 (Ch. 2008-182): Lewd/Lascivious Molestation; Minors; Courts; Sentencing; Probation; Community Control; Crimes and Penalties**

In amending F.S. 775.082(3)(a)4 and F.S. 948.012(4), this bill addresses sentencing for a second or subsequent conviction of a life felony of lewd or lascivious molestation by an offender 18 years of age or older against a victim of 12 years of age or younger. If the conviction for F.S. 800.04(5)(b) concerns an act committed on or after July 1, 2008, the court must sentence the violator to life imprisonment. And no split sentences that include probation or community control are permitted. *Effective Date: July 1, 2008.*

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h008501er.pdf>

**Senate Bill 92 (Ch. 2008-208): "Pastora Pacheco Act"; Medical Care; Victims; Crimes and Penalties**

This bill creates F.S. 843.21, making it a felony to deprive a crime victim of medical care with the intent to avoid, delay, hinder, or obstruct any investigation of the criminal activity that contributed to the injury. *Effective Date: October 1, 2008.*

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s0092er.pdf>

**House Bill 105 (Ch. 2008-69): Secondary Metals Recyclers; Personal Identification Cards; Stainless Steel Beer Kegs; Department of Revenue; Sheriffs; Law Enforcement Agencies; Crimes and Penalties**

Amends various provisions in F.S. Chapter 538 relating to secondary metals recyclers. Revises the definition in F.S. 538.18 of "personal identification card" and adds stainless steel beer kegs to the definition of "regulated metals property." Amends F.S. 538.19 regarding records that secondary metals recyclers are required to maintain. Also revises the penalty section by adding new created F.S. 538.235 to the list of misdemeanor violations in F.S. 538.23(1) and by creating a third-degree felony in the same subsection for multiple offenses. Increases the penalties in F.S. 538.23(3) and creates a felony in F.S. 538.23(5) when a person acts as a secondary metals recycler without having registered with the Department of Revenue. New F.S. 538.235 prohibits cash payments of over \$1,000 to sellers for regulated metals property. Also revises F.S. 538.25 to permit the Department of Revenue to disclose to any law enforcement official the name and address of any secondary metals recycler

registered to do business within the jurisdiction of the law enforcement official's agency.  
**Effective Date: October 1, 2008.**

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h010504er.pdf>

**House Bill 137 (Ch. 2008-117): Motor Vehicles; Traffic Control; Motorcycles; Mopeds; License Tags; Driver's Licenses; Crimes and Penalties**

Creates F.S. 316.1926 that makes it a moving violation to break the law in newly-created F.S. 316.2085(2) or (3), or for exceeding the speed limit in excess of 50 miles per hour or more as such relates to specified sections of F.S. Chapter 316. The new sections in F.S. 316.2085 refer to operation of motorcycles and mopeds and to license tag display requirements for those types of vehicles. Also creates new penalty provisions, including driver's license suspensions, fines, and a third-degree felony in F.S. 318.14 for violation of F.S. 316.1926 offenses. **Effective Date: October 1, 2008.**

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h013703er.pdf>

**House Bill 151 (Ch. 2008-70): Radios; Law Enforcement Officers; Emergency Service Personnel; Government Agencies; Crimes and Penalties**

Amends F.S. 843.16 by providing new exemptions from the first-degree misdemeanor for the unlawful installation or transportation of radio equipment that utilizes assigned frequencies of state or law enforcement officers. Those persons now exempted are law enforcement officers and emergency service employees, as defined in F.S. 496.404(9), while they are using personal transportation to and from work. Also exempt are employees of a government agency that holds a valid Federal Communications Commission station license or a valid agreement or contract allowing access to another agency's radio station. **Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h015102er.pdf>

**Senate Bill 154 (Ch. 2008-33): Crosswalks; Pedestrians; Motor Vehicles; Drivers; Traffic Control; Crimes and Penalties**

Revises provisions in F.S. 316.075 and F.S. 316.130 concerning the duties of both vehicle drivers and pedestrians at crosswalks. **Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s0154er.pdf>

**House Bill 167 (Ch. 2008-71): Motor Vehicles; License Tags; Temporary Tags; Department of Highway Safety and Motor Vehicles; Crimes and Penalties**

Amends F.S. 320.131 concerning the requirements for the proper display of temporary tags on motor vehicles within a rear license plate bracket. Also requires DHSMV to develop and implement a secure system for temporary tag registration and issuance, including the

requirement that the tags be printed on waterproof material. *Effective Date: May 28, 2008.*

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h016703er.pdf>

**House Bill 173 (Ch. 2008-184): Controlled Substances; Cannabis; Cultivation; Grow Houses; Drug Trafficking; Evidence; Sheriffs; Law Enforcement Agencies; Photography; Video Recording; Civil Liability; Crimes and Penalties**

This 38-page bill amends sections in F.S. Chapter 893 relating to controlled substances, In F.S. 893.02 it creates a definition for "cultivating" that means "the preparation of any soil or hydroponic medium for the planting of a controlled substance or the tending and care or harvesting of a controlled substance." Changes to F.S. 893.1351 prohibit the ownership, lease, rental, or possession of a place, structure, trailer, etc., for the purpose of trafficking or manufacturing a controlled substance. Violation of this revised section are first, second, or third-degree felonies. The law also provides that possession of 25 or more cannabis plants is prima facie evidence of intent to sell or distribute the cannabis. Amends F.S. 893.10 to allow a photograph or video recording of the equipment used to manufacture the controlled substance to be used as evidence at trial. After a law enforcement agency documents the manufacturing equipment by photography or video recording, it may destroy the manufacturing equipment without incurring civil liability. The destruction of the equipment must be recorded as described in F.S. 893.12(1)(a) and the records must be maintained for 24 months. *Effective Date: July 1, 2008.*

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h017302er.pdf>

**Senate Bill 192 (Ch. 2008-98): State Parks; Golf Carts; Utility Vehicles; Traffic Control; Crimes and Penalties**

Creates noncriminal and misdemeanor penalties in F.S. 258.008 regarding prohibited activities in state parks. Also revises provisions in F.S. 316.212 and F.S. 316.2126 as they relate to the operation of golf carts and utility vehicles within state parks. *Effective Date: July 1, 2008.*

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s0192er.pdf>

**House Bill 225 (Ch. 2008-185): "Caller ID Anti-Spoofing Act"; Telephone Caller Identification; Unlawful Trade Practices; Sentencing; Crimes and Penalties**

Creates F.S. 817.487, relating to telephone caller identification systems, and makes it a first-degree misdemeanor to either enter false information into a caller identification system with the intent to deceive, defraud, or mislead the call recipient or to make a telephone call knowing that false information was entered into the caller identification system with the intent to deceive, defraud, or mislead the recipient of the call. The bill provides exceptions for violation of the new law. It also provides that a violation is an unfair trade practice under F.S. Chapter 501 and provides for enhanced penalties of felonies and misdemeanors if the offender committed a violation of F.S. 817.487 (2) or (3), such as by creating and entering

false caller ID information, during the commission of the principal offense if violating this new law facilitated commission of the other offense. **Effective Date: October 1, 2008.**

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h022502er.pdf>

**House Bill 313 (Ch. 2008-252): "Barwick-Ruschak Act"; Victims; Dating Violence; Law Enforcement Officers; Injunctions; Pretrial Release; Arrest; Crimes and Penalties**

Revises F.S. 784.046 concerning victims of various types of violence by adding provisions of law concerning dating violence, including duties of investigating law enforcement officers. The provisions concerning investigation, notice to victims, injunctions, and reporting requirements are similar to those when investigating acts of domestic violence. Creates a first-degree misdemeanor violation for willful violation of pretrial release when the original arrest was for a dating violence-related act. Also provides for the warrantless arrest of dating violence violators through revised F.S. 901.15(7). **Effective Date: October 1, 2008.**

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h031301er.pdf>

**House Bill 321 (Ch. 2008-74): Law Enforcement Officers; Murder; Homicide; Sentencing; Crimes and Penalties**

Creates F.S. 782.065 to require the sentence of life imprisonment without eligibility for release if a person is found beyond a reasonable doubt to have committed or attempted to commit murder in the first degree and a death sentence was not imposed; murder in the second or third degree; attempted murder in the first or second degree; or attempted felony murder when the victim of the offense is a law enforcement officer, part-time law enforcement officer, or auxiliary law enforcement officer engaged in the lawful performance of a legal duty. **Effective Date: October 1, 2008.**

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h032102er.pdf>

**Senate Bill 366 (Ch. 2008-160): Elderly Persons; Disabled Adults; Aggravated Abuse; Law Enforcement Officers; Training; Criminal Justice Standards and Training Commission; Crimes and Penalties**

Amends F.S. 825.102(2), governing aggravated abuse of an elderly person or disabled adult, by increasing the penalty to a first-degree felony. Creates F.S. 943.17296 that requires certified law enforcement officers to successfully complete training on identifying and investigating elder abuse and neglect as part of basic recruit training, or continuing education training before June 30, 2011. If an officer fails to complete the required training his or her certification is inactive until the employing agency notifies the Criminal Justice Standards and Training Commission that the officer completed the training. **Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s0366er.pdf>

**Senate Bill 458 (Ch. 2008-209): Amateur Matches; Pugilistic Exhibitions; Fraternal Order of Police**

This bill amends F.S. 548.007, relating to exemptions of provisions of Chapter 548 when amateur matches and other pugilistic exhibitions are conducted or sponsored by the Fraternal Order of Police when the matches involve only amateur participants and are held in conjunction with a charitable event. *Effective Date: July 1, 2008.*

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s0458er.pdf>

**House Bill 489 (Ch. 2008-253): Sexual Violence; Victims; Employers/Employees; Public Records; Leave; Confidentiality; Personal Identifying Information**

Revises F.S. 741.313, concerning unlawful actions by employers against employees, by providing victims of "sexual violence" the same rights to leave and other protections as are given to victims of domestic violence. Also extends confidentiality concerning release of personal identifying information relating to sexual violence victims. [Also see HB 1141, Chapter 2008-254, concerning public records exemptions.] *Effective Date: July 1, 2008.*

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h048901er.pdf>

**Senate Bill 502 (Ch. 2008-162): "Jennifer Kesse and Tiffany Sessions Missing Persons Act"; Missing Persons; Endangered Persons; Law Enforcement Agencies; Sheriffs; DNA; Florida Department of Law Enforcement; Civil Liability; Crimes and Penalties**

This bill expands the scope of the "Missing Children Information Clearinghouse" at FDLE to include missing endangered persons and renames it as the "Missing Endangered Persons Information Clearinghouse." It also revises the law in F.S. 937.022 concerning the duties of law enforcement agencies in reporting missing endangered persons. The bill creates definitions of terms such as "missing adult", "missing child", and "missing endangered person" in F.S. 937.0201. Amends F.S. 937.021 and 937.022 to require law enforcement agencies to adopt written policies that include specified criteria in their procedures used to investigate reports of missing children and adults. The changes provide that a missing child/adult report must be filed by the law enforcement agency with jurisdiction in the locale where the person was last seen, and that the law enforcement agency must transmit any report of a missing child/adult to the state and federal criminal databases within two hours of receipt of the report. It adds an immunity provision for agencies, personnel and persons, acting in good faith, who release information and photographs pertaining to missing adults. Also provides that if a missing child/adult is not located within 90 days, the law enforcement agency having jurisdiction must attempt to obtain, and submit to the Florida Department of Law Enforcement, a biological specimen for DNA analysis from the missing person or from appropriate family members. *Effective Date: July 1, 2008.*

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s0502er.pdf>



**House Bill 503 (Ch. 2008-7): "Preservation and Protection of the Right to Keep and Bear Arms in Motor Vehicles Act of 2008"; Firearms; Ammunition; Motor Vehicles; Parking Lots; Employers/Employees; Customers; Invitees; Law Enforcement Officers; Civil Liability; Attorney General**

Creates F.S. 790.251 that states that no public or private employer may prohibit any customer, employee, or invitee from possessing any legally owned firearm when such firearm is lawfully possessed and locked inside or locked to a private motor vehicle in a parking lot when the customer, employee, or invitee is lawfully within such area. The term "firearm" also includes ammunition and accoutrements attendant to the lawful possession and use of a firearm. In addition, no employer may inquire about the presence of a firearm inside or locked to a private motor vehicle in a parking lot to order to ascertain the presence of a firearm within the vehicle. An employer may not take any action against a customer, employee, or invitee based on the verbal or written statements of a third party concerning possession of a weapon in a vehicle. Any search of a private motor vehicle in a parking lot of a public or private employer to determine the presence of a firearm may only be conducted by an on-duty law enforcement officer based upon due process and in compliance with constitutional protections. The bill also prohibits employers from conditioning employment upon whether or not an employee holds a valid concealed weapons permit or upon signing an agreement prohibiting the keeping of a legal firearm in a vehicle for a lawful purpose. An employer may not terminate or discriminate against an employee, or expel an invitee or customer, for exercising rights specified in this bill. No employer may keep, or attempt to keep, an employee, customer, or invitee from entering the employer's parking lot based on the lawful possession of a firearm in the person's private motor vehicle. The bill also provides for immunity from liability and for the Attorney General's Office to enforce compliance with the law. Finally, the bill also provides listed exceptions to the law. *Effective Date: July 1, 2008.*

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h050303er.pdf>

**House Bill 537 (Ch. 2008-188): Voyeurism; Video Voyeurism; Minors; Schools; Sentencing; Crimes & Penalties**

Amends F.S. 810.145, relating to video voyeurism, by creating new third-degree felonies. It is a violation for a person who is 18 years of age or older who is responsible for the welfare of the child younger than 16 years of age to commit video voyeurism against that child, regardless of whether the person knows or has reason to know the age of the child. It is also a violation for a person 18 years of age or older who is employed at a private or public K-12 school or voluntary prekindergarten program, to commit video voyeurism against a student of the school or program. Finally, it is a violation for a person 24 years of age or older to commit video voyeurism against a child under 16 years of age, regardless of whether the person knows or has reason to know the age of the child. The bill also enhances the penalties for these offenses to second-degree felonies if the offender has a prior conviction or delinquency adjudication for video voyeurism. *Effective Date: July 1, 2008.*

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h053702er.pdf>

**House Bill 559 (Ch. 2008-120): Minors; Harmful Materials; Obscene Materials; Lewd Materials; Motion Pictures; Exhibitions; Defenses; Crimes & Penalties**

This 20-page bill amends portions of F.S. Chapter 847 dealing with material that is harmful to minors. Amends the definition of "harmful to minors" in F.S. 847.001(6) and creates a third-degree felony in F.S. 847.011(1) relating to prohibition of acts in connection with obscene or lewd materials. Also revises F.S. 847.012 concerning distributing harmful materials to minors or using minors in illegal productions. Amends provisions in F.S. 847.013 concerning exposing minors to harmful motion pictures, exhibitions, etc., and in F.S. 847.0133 concerning providing obscene materials to a minor. The bill removes the defense of an "honest mistake" of age for certain sections of law and adds that ignorance of a minor's age, a bona fide belief of the minor's age, or consent of a minor cannot be raised a defense. Also provides exemptions from criminal offenses for providers of communications services or providers of information services as long as they do not knowingly facilitate the offense for commercial or private gain. **Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h055903er.pdf>

**Senate Bill 564 (Ch. 2008-101): Automated External Defibrillators; Training; "Cardiac Arrest Survival Act"; Civil Liability**

Amends F.S. 401.2915, concerning automated external defibrillators [AED], by removing the requirement that persons using an AED must be appropriately trained and substituting language that AED users are encouraged to obtain appropriate training. Revised language also encourages AED possessors to notify the medical director of local emergency medical services of the AED's location. Also amends provisions in the "Cardiac Arrest Survival Act", F.S. 768.1325, that provides for a defense from civil liability when using an AED. **Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s0564er.pdf>

**House Bill 601 (Ch. 2008-240): Department of Business and Professional Regulation; Florida State Boxing Commission; Amateur Matches; Mixed Martial Arts; Land Sales Practices; Repeals; Crimes and Penalties**

This 152-page bill addresses a number of chapters and areas of law regulated by the Department of Business and Professional Regulation. Amends F.S. 548.0065, regarding amateur matches, by providing that a Florida State Boxing Commission member or representative has the ability to suspend a mixed martial art contest. Also revised F.S. 548.008 by removing the prohibition against holding a mixed martial art contest in Florida. The bill also repeals various land sales practices criminal violations listed in F.S.S. 498.022, 498.024, and 498.059. Due to the length of this bill, please review it in order to determine all applicable additions and changes. **Effective Date: July 1, 2008, except as bill provides otherwise.**

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h060106er.pdf>

**Senate Bill 622 (Ch. 2008-251): Victims; No Contact Orders; Courts; Sentencing; Crimes & Penalties**

Amends F.S. 921.244 by adding violations of F.S. 775.084(1)(b)1.a. through o. to the list of offenses that require an "order of no contact" at the time of sentencing and that prohibit offender contact with the victim. The 15 listed offenses contain serious crimes including sexual battery, robbery, kidnapping, murder, armed burglary, aggravated battery, and aggravated stalking. Violation of a no-contact court order is a third-degree felony. **Effective Date: October 1, 2008.**

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s0622er.pdf>

**House Bill 663 (Ch. 2008-151): Parental Rights Termination; Adoption; Minors; Repeals; Crimes and Penalties**

This 57-page bill revises numerous sections of law in F.S.S. Chapters 39, 49, 63, and 742 as they relate to the termination of parental rights of minors and to adoptions. It also removes the second-degree misdemeanor violation in F.S. 63.212(2) for intentionally filing a petition for termination of parental rights in the wrong county venue. Due to the length of this bill, please review it in order to determine all applicable additions and changes. **Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h066303er.pdf>

**House Bill 669 (Ch. 2008-123): "Jeffrey Johnston Stand Up for All Students Act"; Schools; Bullies; Harassment; Minors; Students; Employers/Employees; Sheriffs; Law Enforcement Agencies**

Creates F.S. 1006.147 to prohibit the "bullying" and "harassment" of any student or employee of a public Kindergarten through Twelfth Grade educational institution, program, or activity on a school bus or through a school computer system. Requires school districts to adopt policies prohibiting bullying and harassment and local law enforcement agencies are included in the list of parties who are to assist in developing such policies. **Effective Date: June 10, 2008.**

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h066902er.pdf>

**Senate Bill 704 (Ch. 2008-104): "Open Government Act"; "Administrative Procedure Act"; Administrative Rules; Rulemaking; Internet; State Agencies; Department of State**

This 46-page bill extensively amends F.S. Chapter 120, the "Administrative Procedure Act." The act creates additional requirements for rulemaking, including Internet publication of notices and clarifies that rulemaking responsibilities cannot be delegated by an agency head. It revises procedures for rule challenges and objections concerning unadopted and existing rules. It authorizes the Department of State to specify style and form content for rules and notices and requires electronic hyperlinks to agency material incorporated by reference. The bill allows the court or an administrative law judge to issue a stay to a rule challenge action,

if the agency is proceeding in good faith with rulemaking. Due to the length of this bill, please review it in order to determine all applicable additions and changes. **Effective Date: July 1, 2008, except as the bill provides otherwise.**

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s0704er.pdf>

**House Bill 727 (Ch. 2008-192): "Aldridge/Benge Firefighter Safety Act"; Fire Safety; Construction; State Fire Marshal; Local Fire Officials; Crimes and Penalties**

Included in this bill related to fire safety issues is new F.S. 633.027 that creates standards for light-frame truss-type construction. This section also gives the State Fire Marshal and local fire officials the duty to enforce the law, including violations listed in F.S. 633.161. **Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h072703er.pdf>

**House Bill 743 (Ch. 2008-80): Mortgage Fraud; Fraud; Sheriffs; Law Enforcement Agencies; Property Appraisers; Real Property; Crimes and Penalties**

Creates F.S. 193.133 that will require a law enforcement agency, upon finding there is probable cause that a person violated the mortgage fraud law, F.S. 817.545, or other listed real property related fraud, to notify the property appraiser in any county where the criminal subject owned property. Notification may be delayed if it would be adverse to any continuing criminal investigation. The property appraiser may adjust the assessment of any affected property and, if the arrestee is convicted of mortgage fraud, the property appraiser may reassess any affected property. Also creates a second-degree felony in F.S. 817.545(5)(b). **Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h074302er.pdf>

**Senate Bill 756 (Ch. 2008-39): "Victims of Wrongful Incarceration Compensation Act"; Wrongful Incarceration: Compensation; State Attorneys; Attorney General; Division of Administrative Hearings; Florida Department of Law Enforcement**

This 15-page bill creates yet-to-be numbered law establishing a process whereby state defendants who were wrongfully incarcerated may seek reimbursement for such incarceration. The process includes duties of the Office of the Attorney General, the Division of Administrative Hearings, State Attorneys, and the Florida Department of Law Enforcement. **Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s0756er.pdf>

**Senate Bill 766 (Ch. 2008-41) Public Records; Magistrates; Judges; Hearing Officers**

Amends F.S. 119.071(4)(d) by creating exemptions from public records release for the home addresses and telephone numbers of general magistrates, special magistrates, judges of

compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers. It also provides for conditions for exemption from release of information pertaining to the spouses and children of the referenced officials. **Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s0766er.pdf>

**House Bill 799 (Ch. 2008-195): Copper; Nonferrous Metals; Theft; Utility Services; Communication Services Providers; Crimes and Penalties**

Creates F.S. 812.145 that makes the theft of copper or other nonferrous metals from utility service or communication services providers a first-degree felony. **Effective Date: October 1, 2008.**

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h079902er.pdf>

**Senate Bill 866 (Ch. 2008-95): Elections; Voting; Municipal Recall; Commissioner of Agriculture; Campaigns; Repeals; Crimes and Penalties**

This 54-page bill makes a number of changes to the laws governing elections and voting that are contained in F.S.S. Chapters 97, 98, 99, 100, 101, 102, 103, 105, and 106. Included are amendments to the elements of the second-degree misdemeanor violation concerning municipal recall procedures in F.S. 100.361. Repeals the first-degree misdemeanor violation in F.S. 106.082 governing campaign contribution limits for Commissioner of Agriculture candidates. Due to the length of this bill, please review it in order to determine all applicable additions and changes. **Effective Date January 1, 2009, except as the bill provides otherwise.**

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s0866er.pdf>

**House Bill 887 (Ch. 2008-126): Career Service System; Employers and Employees; Layoffs; Grievances; Appeals; Public Employees Relations Commission; Probation**

This bill revises various provisions in F.S. 110.227 that affect layoffs, grievances, and Public Employee Relations Commission appeals for career service system employees. New F.S. 110.227(8) creates new rights for promoted employees serving probationary periods. **Effective Date: January 1, 2009.**

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h088704er.pdf>

**Senate Bill 948 (Ch. 2008-105): Concealed Weapons; Firearms; Permits**

Amends F.S. 790.06(2), concerning concealed weapons permits, by requiring that an applicant for such a permit be a resident of the United States as well as either a United States citizen or a permanent resident alien of the United States. It also extends the time period from 5 years to 7 years that such a permit is valid. **Effective Date: June 10, 2008.**

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s0948er.pdf>

**House Bill 951 (Ch. 2008-226): Alcoholic Beverages; Vendors; Crimes and Penalties**

Amends numerous provisions in F.S. 561.42 concerning illegal financial aid and assistance to alcoholic beverage vendors by extending the prohibitions to importers, primary American sources of supply, brand owners and brand registrants, as well as to brokers, sales agents, and sales persons. A first time violation is a first-degree misdemeanor and subsequent violations are third-degree felonies. *Effective Date: July 1, 2008.*

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h095102er.pdf>

**House Bill 987 (Ch. 2008-199): Cultural and Historical Programs; Crimes and Penalties**

As part of this 22-page bill relating to cultural and historical programs, new F.S. 265.706 makes it a second-degree misdemeanor for a defined "custodian" of state-owned objects of historical or archaeological value to violate this section of law concerning the maintenance, preservation, and exhibition of such objects. *Effective Date: July 1, 2008.*

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h098702er.pdf>

**House Bill 1037 (Ch. 2008-200): Escrow Agents; Civil Actions; Crimes and Penalties**

Creates F.S. 877.101 that prohibits unauthorized persons from using the term "escrow" under specified circumstances, including acting as an escrow agent. The bill authorizes actions for declaratory relief and provides for recovery by injured persons of actual damages plus attorney fees and court costs. Criminal violation of the law is a first-degree misdemeanor. *Effective Date: July 1, 2008.*

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h103702er.pdf>

**Senate Bill 1076 (Ch. 2008-170): Motor Vehicles; Motor Homes; Dismantling; Derelict Motor Vehicles; Department of Highway Safety and Motor Vehicles; Law Enforcement Officers; Hold Notices; Secondary Metals Recyclers; Salvage Motor Vehicle Dealers; Crimes and Penalties**

This 18-page bill extensively revises and creates provisions in F.S. 319.30 relating to dismantling, destruction, and change of identity of motor vehicles and motor homes. Adds definitions and procedures concerning "derelict motor vehicles" and authorizes DHSMV to adopt rules to establish policies and procedures to enforce this section of law. The bill revises the elements of the third-degree felony offenses in F.S. 319.30(2)(b) and (c) concerning correct vehicle documentation. It also increases the penalty in F.S. 319.30(6) to a third-degree felony and creates a third-degree felony in F.S. 319.30(7)(a)4.c. regarding

improper documentation and other acts. Agents of DHSMV and law enforcement officers are permitted to issue "hold notices" when they have reason to believe that a secondary metals recycler or salvage motor vehicle dealer possesses a motor vehicle for which the proper procedures have not been followed. **Effective Date: October 1, 2008.**

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s1076er.pdf>

**Senate Bills 1094 & 326 (Ch. 2008-231): "Clean Ocean Act"; Gambling; Vessels; Department of Environmental Regulation; Waste; Civil Actions; Crimes and Penalties**

Creates F.S. 376.25 that requires "gambling vessels" operating in coastal waters to register with the Department of Environmental Regulation in an effort to control and regulate the release of waste from such vessels. The bill also creates other regulations concerning waste management service meetings and fee collection by waterfront-landing facilities and it provides for civil penalties for violations. **Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s1094er.pdf>

**House Bill 1141 (Ch. 2008-254): Public Records; Sexual Violence; Victims**

Amends F.S. 741.313 by applying the exemption for public records release to personal identifying information in records that document an act of sexual violence. [Also see HB 489, Chapter 2008-253, for other "Sexual Violence" law provisions.] **Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h114102er.pdf>

**House Bill 1167 (Ch. 2008-129): "Reduced Cigarette Ignition Propensity Standard and Firefighter Protection Act"; Firefighters; Cigarettes; Fire Safety; State Fire Marshal; Division of Alcoholic Beverages and Tobacco; Law Enforcement Officers; Forfeiture; Counties; Municipalities**

This 17-page bill creates F.S. 633.042 that provides for cigarette testing measures, performance standards, and testing criteria. It imposes requirements on cigarette manufacturers, requires cigarettes to be marked in a certain manner, and provides for reporting requirements. Also gives powers and responsibilities to the Division of Alcoholic Beverages and Tobacco [ABT] and the state Fire Marshal. Manufacturers, wholesale dealers, agents, and other persons or entities that violate provisions of this law can be fined and may be subjected to civil action. Whenever law enforcement personnel or authorized ABT representatives discover any cigarettes that are not marked in the required manner, such personnel may seize and take possession of the cigarettes for forfeiture by the state. Counties and municipalities will not be allowed to enact or enforce any ordinances or other local laws or regulations that are in conflict with or preempted by this law. **Effective Date: January 1, 2010, except as the bill provides otherwise.**

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h116704er.pdf>

**Senate Bill 1286 (Ch. 2008-106): Fish and Wildlife Conservation Commission; Vessels; Crimes and Penalties**

This bill revises and creates a number of laws concerning the Fish and Wildlife Conservation Commission. Amends provisions in F.S. 328.48, F.S. 328.56, and F.S. 328.72 relating to vessel classification and registration, including fees. [Also see HB 7091, Chapter 2008-247, for other issues relating to the Fish and Wildlife Conservation Commission.] **Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s1286er.pdf>

**Senate Bill 1310 (Ch. 2008-214): Travel; Sellers of Travel; Department of Agriculture and Consumer Services; Terrorist States; Crimes and Penalties**

This 15-page bill addresses a number of issues concerning sellers of travel and the Department of Agriculture and Consumer Services that are contained in F.S. Chapter 559. Adds new first-degree misdemeanor violations to F.S. 559.9335 and exemptions to F.S. 559.935. Also amends the administrative remedy law in F.S. 559.9355 and the civil penalty law in F.S. 559.936. Creates a third-degree felony in F.S. 559.937(2) for violations originating in Florida that relate to arranging travel to terrorist states. **Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s1310er.pdf>

**Senate Bill 1360 (Ch. 2008-216): Pharmacy Technicians; Crimes and Penalties**

Amends many sections in F.S. Chapter 465 that relate to pharmacy technicians. **Effective January 1, 2010**, creates F.S. 465.015(3)(d), making it a first-degree misdemeanor for an unregistered or non-exempt pharmacy technician to perform the functions of a pharmacy technician or to hold himself or herself out to others as a person who is registered to perform the functions of a registered pharmacy technician. **Effective Date: June 23, 2008, except as the bill provides otherwise.**

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s1360er.pdf>

**House Bill 1363 (Ch. 2008-88): Controlled Substances; Salvia Divinorum; Salvinorin A; Crimes and Penalties**

This bill revises F.S. 893.03(1)(c), relating to controlled substances, by including Salvia divinorum and Salvinorin A, with listed exemptions, in the list of controlled substances in Schedule I. **Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h136302er.pdf>



**House Bill 1417 (Ch. 2008-255): Counterfeit Goods; Forgery; Private Labels; Sentencing; Restitution; Destruction; Forfeiture; Repeals; Crimes and Penalties**

This bill substantially rewords the definitions in F.S. 831.03 relating to counterfeit goods and forging or counterfeiting private labels. Creates F.S. 831.031 providing that possession of more than a specified number of counterfeit items allows for an inference that such property is possessed with intent to offer for sale. New F.S. 831.032 creates misdemeanor and felony offenses pertaining to forging and counterfeiting private labels and provides for enhanced penalties under listed circumstances, as well as for orders of restitution. Also creates F.S. 831.033 providing for the destruction or forfeiture of counterfeit goods along with property constituting or derived from proceeds of a counterfeiting offense as well as for alternative disposal of counterfeit items. Repeals current F.S. 831.05 governing vending goods or services with counterfeit trademarks or service marks. *Effective Date: October 1, 2008.*

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h141702er.pdf>

**Senate Bill 1442 (Ch. 2008-172): Exploited Children; Minors; Courts; Child Pornography; Prostitution; Sex Trafficking; Internet; Law Enforcement Officers; NCMEC; Civil Actions; State Attorneys; Attorney General; Victims; "Florida Crimes Compensation Act"; Crimes and Penalties**

This 55-page bill covers many topics relating to minors and exploited children and creates sections of or makes changes to many different chapters of law. Amends F.S. 92.56 to allow the use of a pseudonym for a child victim in court records and proceedings involving child pornography crimes. Revises F.S. 796.035 by removing the requirement that the prosecution prove that the person who sells or transfers custody of a minor know that "force, fraud, or coercion: would be used to cause the minor to engage in prostitution, sex trafficking, or perform naked for compensation. Moves provisions in F.S. 800.04(7)(a), concerning the offense of lewd or lascivious exhibition live over the internet, to the computer pornography section in F.S. 847.0135(5). The bill creates F.S. 847.002 that requires law enforcement officers who recover child pornography images or movies during an investigation to provide these images and other identifying information to the National Center for Missing and Exploited Children [NCMEC], to the Child Victim Identification Program, and to request contact information from the center for any recovered images which contain an identified victim of child pornography. The officer is also required to provide the prosecutor with any contact information provided. New F.S. 847.01357 creates a civil remedy for victims of child pornography and the Attorney General's Office may pursue such cases on behalf of the victims. Amends F.S. 960.03 by adding violations of laws related to online sexual exploitation and child pornography to the Florida Crimes Compensation Act and also by adding a definition of an "identified victim of child pornography." The Attorney General's Office, under changes to F.S. 960.197, may award compensation for counseling and other mental health services to treat psychological injury or trauma to listed victims under specified circumstances. Due to the length of this bill, please review it in order to determine all applicable additions and changes. *Effective Date: October 1, 2008.*

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s1442er.pdf>

**House Bill 1509 (Ch. 2008-205): Traffic Control; Community Service; Crimes and Penalties**

Extensively amends F.S. 318.18(8), as it relates to community service provisions for violations of noncriminal traffic infractions, by allowing persons to satisfy a civil penalty by participating in community service if they are unable to pay civil fines due to financial hardship. This will be accomplished by the person's receiving payment for doing such community service work at the defined prevailing hourly rate. *Effective Date: July 1, 2008.*

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h150904er.pdf>

**Senate Bill 1618 (Ch. 2008-234): Public Records; Child Abuse; Victims; Sexual Offenses; Prostitution; Obscenity; Law Enforcement Agencies; Sheriffs; Evidence; Courts**

This bill reenacts and expands the exemption from public records release in F.S. 119.071(2)(h) for criminal intelligence and criminal investigative information pertaining to the identity of victims of sexual offenses. A law enforcement agency may release such information in furtherance of its official duties and responsibilities if the agency believes that release would assist in locating a missing or endangered person, or to another governmental agency in furtherance of its duties and responsibilities. Also amends F.S. 92.56 pertaining to duties to maintain confidentiality of such information in judicial proceedings and court records. *Effective Date: October 1, 2008.*

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s1618er.pdf>

**Senate Bill 1648 (Ch. 2008-219): HIV Testing; Consent; Medical Personnel; Medical Examiners; Physicians; Significant Exposure**

This bill amends provisions in F.S. 381.004(3)(h) regarding HIV testing and related issues such as informed consent, results, counseling, and confidentiality. Revises the standards that must be followed prior to performing an HIV test in cases involving significant exposure to medical and nonmedical personnel. The law also applies to testing standards to be followed by a medical examiner or attending physician upon an individual who expired or could not be resuscitated and who was the source of a significant exposure to medical or nonmedical personnel providing assistance or care to the decedent. *Effective Date: July 1, 2008.*

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s1648er.pdf>

**Senate Bill 1694 (Ch. 2008-51): "Denise Amber Lee Act"; 911 Emergency Dispatchers; Department of Health; Sheriffs; Law Enforcement Agencies; State Agencies; Counties; Municipalities**

Creates F.S. 401.465, relating to 911 emergency dispatchers, and requires the Department of Health [DOH] to establish criteria and procedures for certifying state agency or local government dispatchers. The DOH also must establish processes for disciplining certificate

holders and procedures for handling certificates that become inactive. **Effective Date: October 1, 2008.**

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s1694er.pdf>

**Senate Bill 1712 (Ch. 2008-108): “Ethics in Education Act”; Education; Retirement Benefits; Ethics; Schools; Public Officers; Employers/Employees; Minors; Victims; Lewd/Lascivious Acts; Sexual Battery; Crimes and Penalties**

This 57-page bill mainly addresses education-related laws in F.S.S. Chapters 1001, 1002, 1003, 1006, 1008, 1010, 1011, 1012, and 1013. However, it also concerns the ethics and the possible loss of retirement benefits of many public officers and employees. Amends F.S. 112.3173, relating to the forfeiture of retirement benefits for public officers and employees, by adding to the list of applicable actions a conviction of any F.S. 800.04 felony against a victim younger than 16 years of age, or a conviction of any F.S. Chapter 794 felony against a victim younger than 18 years of age, through the use or attempted use of power, rights, privileges, duties, or position of the officer’s or employee’s public office or employment position. The bill amends F.S. 121.091(5) and creates F.S. 800.05 and F.S. 794.09 to reiterate the language creating the new standard for retirement benefit forfeiture. New F.S. 1012.315 lists offenses that will disqualify a convicted applicant from working in specified education-related jobs. The bill also revises language in many other sections of law to conform cross references to changes made by this bill. Due to the length of this bill, please review it in order to determine all applicable additions and changes. **Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s1712er.pdf>

**Senate Bill 1790 (Ch. 2008-111): Courts; State Judicial System; Court Costs; Traffic Control; Probation Violation; Community Control; Investigative Expenses; Law Enforcement Agencies; Sheriffs; State Attorneys; Defense Attorneys; Crimes and Penalties**

This 73-page bill amends many provisions of law pertaining to the state judicial system, including an increase in fees that may be assessed. Changes to F.S. 938.05(1) increase the amount of additional court costs that may be assessed for felonies, misdemeanors, and criminal traffic offenses. Revises F.S. 938.27, governing judgment for costs on conviction, by making probation violation and community control violation cases subject to cost orders. This section of law applies to reimbursement of investigative costs incurred by law enforcement agencies and a court will be able to order a defendant to pay such expenses regardless of his or her current ability to pay. Changes to this section also establish a minimum reimbursement amount that can be set for state attorney costs. Also revises F.S. 938.29 by establishing a minimum reimbursement amount that can be set for defense attorney costs. **Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s1790er.pdf>

**Senate Bill 1792 (Ch. 2008-112): Criminal History Records; Florida Department of Law Enforcement; Domestic Violence Fatality Review Teams; Repeals**

Amends F.S. 943.053(3), relating to dissemination of criminal justice information, by deleting provisions requiring that fees collected from the private sector or noncriminal justice agencies for criminal history information be applied to offset the cost of producing the information. It also eliminates the authorization ability of the Florida Department of Law Enforcement to waive fees and increases from \$23 to \$24 the fee charged for providing such criminal history information to entities for which reduced fee charges are available. The bill repeals F.S. 741.316(3) relating to the collection of data by local domestic violence fatality review teams for submission to FDLE and its creation of an annual report on such incidents.

**Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s1792er.pdf>

**Senate Bill 1946 (Ch. 2008-236): Motor Vehicles; Agricultural Equipment; Farming Equipment; Crimes and Penalties**

Revises provisions of F.S. 316.515(5) relating to maximum width, height, and length of husbandry and farm equipment. New subsection (c) creates exemptions from width and height limitations for farming or agricultural equipment when such is temporarily operated during daylight hours on a public road that is not a defined limited access facility. **Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s1946er.pdf>

**Senate Bill 1988 (Ch. 2008-53): Driver's Licenses; Child Support; Habitual Traffic Offenders; Crimes and Penalties**

Creates F.S. 322.34(10) relating to relating to driving with a license that is suspended, revoked or canceled. Provides that a person commits a second-degree misdemeanor upon a first conviction and a first-degree misdemeanor upon a second or subsequent conviction of the same offense if the person's driving privilege has been canceled, suspended or revoked for certain offenses including, but not limited to, failure to pay child support, failure to comply with a civil penalty required in F.S. 318.15, or designation as a habitual traffic offender. **Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s1988er.pdf>

**Senate Bill 1992 (Ch. 2008-176): Department of Highway Safety and Motor Vehicles; Traffic Control; Hybrid Vehicles; High-Occupancy Vehicle Lanes; Railroad Crossings; Drag Racing; Spectators; DUI; Ignition Interlock Devices; Child Restraint Devices; Seat Belts; Law Enforcement Officers; Arrest Authority; Traffic Crashes; License Tags; Trucks; Identification Cards; Driver's Licenses; Fingerprints; Unauthorized Drivers; Correctional Officers; Commercial Driver's Licenses; Repeals; Crimes and Penalties**

This 73-page bill revises numerous sections of traffic-related law in F.S.S. Chapters 316, 318, 320, and 322. It amends the high-occupancy vehicle lane [HOV] law, F.S. 316.0741, and creates a definition of "hybrid vehicle" and provides for conditions of use of such vehicles in HOV lanes. Amends F.S. 316.1575 by making it an infraction for a driver to disobey the signal of a law enforcement officer who has indicated the approach or passing of a railroad train at a crossing. Changes F.S. 316.191 by creating a traffic infraction penalty for a spectator attending an illegal drag race. Revises the penalty provisions for DUI in F.S. 316.193(4) by reducing the illegal blood alcohol level/content from 0.20 or higher to 0.15 or higher. Changes language in F.S. 316.1937, F.S. 322.2715, and F.S. 322.291 concerning the use of an ignition interlock device. Amends the child restraint requirements in F.S. 316.313(2) and seat belt usage requirements in F.S. 316.614(3) as these laws apply to the weight of trucks. Expands the arrest authority in F.S. 316.645 for an officer at traffic crash scene to allow an arrest for violating F.S.S. Chapters 316, 320, and 322.

Clarifies in F.S. 320.0706 that a violation of this law relating to the display of license tags on trucks is a moving violation. Revises provisions in F.S. 322.051 for obtaining an identification card or a driver's license in F.S. 322.08 from DHSMV. Changes F.S. 322.15(2) to permit a law enforcement officer to obtain fingerprints electronically from a person who is not carrying a driver's license. Extensively amends F.S. 322.18 governing applications for driver's licenses as such applies to persons 80 years of age or older. Revised F.S. 322.36 authorizes a one-year license suspension for a person who knowingly loans a vehicle to a person with a suspended license when that operator is involved in a crash resulting in bodily injury or death.

Repeals F.S. 322.60 concerning the illegal holding of more than one commercial driver's license. Revises numerous provisions in F.S. 322.61 pertaining to disqualification from operating a commercial vehicle. The bill also makes extensive changes to F.S. 322.64, regarding commercial driver's licenses [CDL], that apply to CDL holders who are operating a commercial vehicle under the influence and to the duties of investigating law enforcement or correctional officers. Due to the length of this bill, please review it in order to determine all applicable additions and changes. ***Effective Date: October 1, 2008, except as the bill provides otherwise.***

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s1992er.pdf>

**Senate Bill 2000 (Ch. 2008-54): Correctional Policy Advisory Council; Legislature; Sentencing; Crimes and Penalties**

Creates F.S. 921.0019 that establishes a "Sentencing Policy Advisory Council" within the Legislature and a "Justice Reinvestment Subcommittee" within the Council. The Council must evaluate sentencing policy and practice, justice reinvestment initiatives, and laws

affecting or applicable to corrections and make reports by January 15 during each year of its existence. **Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s2000er.pdf>

**Senate Bill 2016 (Ch. 2008-55): Public Lodging Establishments; Food Service Establishments; Department of Business and Professional Regulation; Crimes and Penalties**

Amends numerous sections in F.S. Chapter 509 relating to public lodging and public food service establishments and creates definitions concerning transient and nontransient occupancy. In addition to other penalties in F.S. 509.261, the Division of Hotels and Restaurants of the Department of Business and Professional Regulation may assess a fine, as well as suspend, revoke, or refuse to renew the license of a public lodging or public food service establishment that violates provisions in this chapter of law. **Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s2016er.pdf>

**Senate Bill 2082 (Ch. 2008-237): "John and Patricia Seibel Act"; Insurance; Fraud; Crimes and Penalties**

This 20-page bill addresses a number insurance-related topics in F.S.S. Chapters 626 and 627. Creates a first-degree misdemeanor in F.S. 626.9521(3)(a) when fraud is used to commit violations of the law prohibiting "twisting" and "churning" of insurance policies. Also creates a third-degree felony in F.S. 626.9521(3)(b) for wilfully submitting fraudulent signatures on an insurance application or policy-related document. **Effective Date: January 1, 2009.**

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s2082er.pdf>

**Senate Bill 2158 (Ch. 2008-177): Money Services Businesses; Money Transmitters; Records Retention; Financial Services Commission; "Florida Control of Money Laundering in Money Services Business Act"; Money Laundering; Confidentiality; Repeals; Crimes and Penalties**

This 127-page bill extensively revises and/or creates sections in F.S. Chapter 560 concerning money transmitters and creates laws regulating newly-defined "money services businesses." New F.S. 560.110 creates a third-degree felony for violating provisions of this "records retention" section and other specified records-related sections, F.S. 560.211 and F.S. 560.310. Amends F.S. 560.111 addresses a number of new or revised third-degree felonies. Revises the third-degree felony offenses in F.S. 560.121 concerning access to records and their retention. Changes the title of, and many provisions in, F.S. 560.123, the "Florida Control of Money Laundering in Money Services Business Act." Amends the elements of F.S. 560.125, concerning unlicensed activity, as well as confidentiality provisions in F.S. 560.129. The bill also repeals many other sections of F.S. Chapter 560, including the third-degree felony violations listed in F.S. 560.1073 and F.S. 560.407. Due to the length of this bill,

please review it in order to determine all applicable additions and changes. *Effective Date: January 1, 2009.*

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s2158er.pdf>

**Senate Bill 2296 (Ch. 2008-179): Commercial Motor Vehicles; Crimes and Penalties**

Amends F.S. 316.003, F.S. 320.01, and F.S. 322.01 as they relate to commercial motor vehicles. Provides for the exemption of certain vehicles that occasionally transport personal property to and from closed-course motor transport facilities from the definition of "commercial motor vehicle." *Effective Date: July 1, 2008.*

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s2296er.pdf>

**Senate Bill 2610 (Ch. 2008-222): Public Records; Organ and Tissue Donor Registry**

This companion bill to SB 2630 [Chapter 2008-223] creates F.S. 765.51551 that will establish a public records exemption and confidentiality, with listed exceptions, for information held in the organ and tissue donor registry which identifies a donor in the registry. *Effective Date: July 1, 2008.*

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s2610er.pdf>

**Senate Bill 2630 (Ch. 2008-223): Anatomical Gifts; Organ and Tissue Donor Registry; Department of Highway Safety and Motor Vehicle; Agency for Health Care Administration**

This 18-page bill extensively revises the organ and tissue donor registry system and laws in Chapter 765, Florida Statutes, relating to organ and tissue donation and making anatomical gifts. Per new F.S. 765.5155 the Agency for Health Care Administration and Department of Highway Safety and Motor Vehicles are to jointly contract for the operation of an organ and tissue donor registry and education program. Also revised are F.S. 765.512, governing persons who may make anatomical gifts, and F.S. 765.514, governing the manner of making anatomical gifts. [See SB 2610, Chapter 2008-222, for public records exemptions regarding this bill.] *Effective Date: July 1, 2008.*

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s2630er.pdf>

**Senate Bill 2676 (Ch. 2008-224): "Citizens Right-to-Know Act"; Courts; Pretrial Release; Victims; Bail; Bond; Clerks of Court; Crimes and Penalties**

Creates F.S. Section 907.043, relating to pretrial release issues, that requires pretrial release programs to prepare a register that displays information relevant to the release of a defendant in order to better notify the citizenry of the release. Revises F.S. 903.011 by providing changes in the definitions of "bail" and "bond." Also amends F.S. 903.286 to

require that notice must be given that all surety bonds used to satisfy pretrial release are subject to forfeiture and withholding by the clerk of the court for payment of fees no matter who posted the funds. **Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s2676er.pdf>

**Senate Bill 2760 (Ch. 2008-64): Dentists; Health Access Settings; Dental Laboratories; Prescriptions; Crimes and Penalties**

This 13-page bill amends and creates various provisions of law in F.S. Chapter 466 relating to dentistry and "health access settings." The bill extensively revises F.S. 466.021 by making that section apply to dental laboratories and makes it a second-degree misdemeanor to not maintain an original or electronic copy of each prescription and to not ensure the accuracy of each product's material disclosure when delivered to the prescribing dentist. **Effective Date: January 1, 2009.**

<http://www.flsenate.gov/data/session/2008/Senate/bills/billtext/pdf/s2760er.pdf>

**House Bill 5059 (Ch. 2008-137): Law Enforcement Radio Trust Fund; Traffic Control; Department of Revenue; Sheriffs; Law Enforcement Agencies; Communications; Crimes and Penalties**

Revises F.S. 318.18(17) relating to the disposition of traffic citations by requiring revenue from the surcharge imposed on certain criminal traffic citations and all noncriminal traffic citations be remitted to the Department of Revenue. The funds are to be deposited into the State Agency Law Enforcement Radio System Trust Fund for use for that system and to provide technical assistance to state and local law enforcement agencies with their statewide systems of regional law enforcement communications. **Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h505902er.pdf>

**House Bill 7033 (Ch. 08-145): Public Records; State Agencies; Counties; Municipalities; Discrimination Complaints**

Renumbers and amends F.S. 119.0711(1) as new F.S. 119.071(2)(g) which exempts from public disclosure all records that relate to discrimination complaints in the possession of any agency, not just state government executive agencies. **Effective Date: June 10, 2008.**

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h703301er.pdf>

**House Bill 7049 (Ch. 2008-207): Drugs; Cosmetics; Devices; Department of Health; Prescription Drugs; Forgery; Pedigree Papers; Trafficking; Adulterated/Misbranded Drugs; Seizure; Crimes and Penalties**

This 184-page bill basically affects F.S. Chapter 499 as such relates to drugs, cosmetics, and devices, and the duties of the Department of Health to administer that chapter of law. Included in the bill are changes to some of the misdemeanor and felony violations contained



in F.S. 499.0051. These violations address such topics as prescription drugs, contraband prescription drugs, trafficking in contraband prescription drugs, forgery of pedigree papers, and adulterated or misbranded prescription drugs. Also adds language from F.S. 499.063 and F.S. 499.064 into F.S. 499.062 to provide for the seizure and condemnation of illegal drugs, devices, and cosmetics. The bill also revises language in many other sections of law to conform cross references to changes made by this bill. Due to the length of this bill, please review it in order to determine all applicable additions and changes. **Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h704903er.pdf>

**House Bill 7077 (Ch. 2008-245): Minors; Child Protection; Abandonment; Inappropriate Sexual Behavior; Department of Children and Family Services; Missing Children; Law Enforcement Agencies; Sheriffs**

This 52-page bill covers a number of topics concerning minors and child protection issues in F.S.S. Chapters 39, 322, 402, 409, 787, and 937. Changes to F.S. 39.01 include definitions of "abandoned/abandonment", "harm", and "child who has exhibited inappropriate sexual behavior." New F.S. 39.0141 establishes the requirement for the Department of Children of Family Services [DCFS] or an investigating Sheriff's Office to file a missing child report in accordance with F.S. 937.021 when the whereabouts of a child involved with DCFS becomes unknown. Revises provisions of F.S. 39.201, governing mandatory reports of child abuse, etc., by requiring that reports be made to DCFS of a child who has exhibited inappropriate sexual behavior. Under amended F.S. 39.401(2)(a)3, a law enforcement officer who has taken an alleged dependent child into custody may release that child to the adoptive parent of the child's sibling as opposed to a nonrelative placement when in the best interest of the child. Revises language in F.S. 787.04(3) concerning removing minors from Florida or concealing minors contrary to a state agency order or court order. Also amends F.S. 937.021 governing missing child reports by mandating that DCFS, a Sheriff's Office providing investigative services for DCFS, or a law enforcement agency receiving a report of a missing child must immediately notify all on-duty officers of the report's existence and take all other specified actions. A law enforcement agency may not require a reporter to present an other that a child be taken into custody or any other such order before accepting a report that a child is missing. Due to the length of this bill, please review it in order to determine all applicable additions and changes. **Effective Date: July 1, 2008, except as the bill provides otherwise.**

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h707704er.pdf>

**House Bill 7083 (Ch. 2008-246): Health Care Fraud/Abuse; Fraud; Agency for Health Care Administration; Crimes and Penalties**

This 41-page bill covers numerous areas related to the general topic of health care fraud and abuse contained in F.S.S. Chapters 400 and 409. Amends numerous sections of law in Chapter 400 that is administered by the Agency for Health Care Administration, including a change to the third-degree felony violation listed in renumbered F.S. 400.474(7). **Effective Date: July 1, 2008.**

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h708305er.pdf>

**House Bill 7091 (Ch. 2008-247): Fish and Wildlife Conservation Commission; Wildlife; Freshwater Aquatic Life; Marine Life; Saltwater Fisheries; Repeals; Crimes and Penalties**

This 419-page bill consolidates provisions of F.S.S. Chapters 370 and 372 into new F.S. Chapter 379, titled "Fish and Wildlife Conservation." The new chapter will govern the regulation of wild animal life, freshwater aquatic life, and marine life by the Fish and Wildlife Conservation Commission. Many of the provisions in the current chapters will be moved to and renumbered as section in Chapter 379. The following is a hyperlink to a legislative bill analysis that summarizes the transfer and renumbering of current law in new Chapter 379: <http://www.flsenate.gov/data/session/2008/House/bills/analysis/pdf/h7091.ENRC.pdf>

In addition to the chapter transfers, the bill also repeals saltwater fisheries violations in F.S.S. 370.0821, 370.09, 370.1105, 370.15, 370.155, and wildlife violations in F.S.S. 372.667 and 372.98. Due to the length of this bill, please review it in order to determine all applicable additions and changes. [Also see SB 1286, Chapter 2008-106, concerning other issues relating to the Fish and Wildlife Conservation Commission.] *Effective Date: July 1, 2008.*

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h709103er.pdf>

**House Bill 7113 (Ch. 2008-249): Florida Department of Law Enforcement; Fingerprints; Background Screening; Criminal History Records; Administrative Expunctions; Judges; Criminal and Juvenile Justice Information Systems Council;**

This 20-page bill amends a number of sections of F.S. Chapter 943 relating to the Florida Department of Law Enforcement. New F.S. 943.05(3) concerns the retention and use of submitted fingerprints and revised F.S. 943.0581 deals with changes in the administrative expunction of criminal history records. Changes to F.S. 943.059 allow sealed criminal history record information to be disseminated to judges in the state courts system for the purpose of assisting them in making case-related decision making responsibilities. Also extensively revises the duties of the Criminal and Juvenile Justice Information Systems Council in F.S. 943.08. *Effective Date: July 1, 2008.*

<http://www.flsenate.gov/data/session/2008/House/bills/billtext/pdf/h711302er.pdf>

**House Bill 7137 (Ch. 2008-250): Department of Corrections; Cellular Telephones; Portable Communication Devices; Prisons; Correctional Institutions; Sheriffs; Law Enforcement Agencies; Law Enforcement Officers; Correctional Officers; Training Expenses; Employers and Employees; Reimbursement; Crimes and Penalties**

As part of this 46-page bill relating to extensive changes concerning the Department of Corrections, creates F.S. 944.47(1)(a)6 that makes it a third-degree felony to intentionally and unlawfully introduce a cellular telephone or defined "portable communication device" inside the secure perimeter of any state correctional institution without prior official authorization or consent. Also amends F.S. 943.16 concerning tuition and other training

course expenses that are paid for by a law enforcement agency in order to train law enforcement and correctional officers. The bill deletes the portion of this section that allowed the paying law enforcement agency to recoup a portion of the salary paid to the trained officer when he or she left the agency's employ prior to the completion of two years of service. ***Effective Date: October 1, 2008.***

<http://www.flSenate.gov/data/session/2008/House/bills/billtext/pdf/h713702er.pdf>

**EFFECTIVE DATES OF 2008 LAWS**

**2008 REGULAR SESSION**

**Bills/Chapters Marked With An Asterisk (\*) Have Multiple Effective Dates**

**Bills listed with "zzz" have not been enacted as of publication date.**

**Please See Summaries for Details**

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HB 669 (2008-123)	CS/CS/SB 1360* (2008-216*)	

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HB 35 (2008-154)	CS/HB 663 (2008-151)	CS/SB 1790 (2008-111)
CS/CS/HB 43* (2008-238*)	CS/CS/SB 704* (2008-104*)	CS/SB 1792 (2008-112)
HB 61 (2008-67)	CS/HB 727 (2008-192)	CS/CS/SB 1946 (2008-236)
HB 85 (2008-182)	CS/HB 743 (2008-80)	CS/SB 1988 (2008-53)
CS/HB 151 (2008-70)	CS/CS/CS/SB 756 (2008-39)	CS/CS/SB 2000 (2008-54)
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CS/HB 559 (2008-120)	CS/HB 1509 (2008-205)	HB 7091 (2008-247)
CS/CS/SB 564 (2008-101)	CS/CS/SB 1648 (2008-219)	HB 7113 (2008-249)

**EFFECTIVE OCTOBER 1, 2008**

<b>Bill # (Chapter #)</b>	<b>Bill # (Chapter #)</b>	<b>Bill # (Chapter #)</b>
CS/CS/HB 43* (2008-238*)	CS/HB 321 (2008-74)	CS/CS/CS/SB 1442 (2008-172)
CS/SB 92 (2008-208)	CS/SB 622 (2008-251)	CS/SB 1618 (2008-234)
CS/CS/HB 105 (2008-69)	CS/HB 799 (2008-195)	CS/SB 1694 (2008-51)
CS/HB 137 (2008-117)	CS/CS/SB 1076 (2008-170)	CS/CS/CS/SB 1992* (2008-176*)
CS/HB 225 (2008-185)	CS/HB 1417 (2008-255)	HB 7137 (2008-250)
HB 313 (2008-252)		

**EFFECTIVE JANUARY 1, 2009**

<b>Bill # (Chapter #)</b>	<b>Bill # (Chapter #)</b>	<b>Bill # (Chapter #)</b>
CS/CS/SB 704* (2008-104*)	CS/CS/HB 887 (2008-126)	CS/CS/CS/SB 2158 (2008-177)
CS/CS/SB 866* (2008-95*)	CS/CS/SB 2082 (2008-237)	CS/CS/SB 2760 (2008-64)

**EFFECTIVE JANUARY 1, 2010**

<b>Bill # (Chapter #)</b>	<b>Bill # (Chapter #)</b>	<b>Bill # (Chapter #)</b>
CS/CS/SB 704* (2008-104*)	CS/CS/HB 1167* (2008-129*)	CS/CS/SB 1360* (2008-216*)

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