

2011 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 SB 1992 [Background Checks] that appeared in earlier versions of this publication.

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 2011 Florida Legislature. 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>. 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. Thanks to FDLE attorneys Craig Rockenstein and Fern Rosenwasser for the hours they spent reviewing bills and preparing most of the text of this Summary. Craig plans to retire later this year and this likely will be his last "Summary" work product. Craig has functioned as the "editor" of the Summary for many years, performing much of the work related to indexing and summary wording. A special thanks, Craig for years of fine and dedicated effort on this project! Well done!

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>. Since we are providing links to the text of the bills, our summaries are intentionally less detailed. 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. If you have any suggestions or comments regarding future summaries, please feel free to contact Fern or 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



2011 LEGISLATIVE SUMMARY

House Bill 3 (Ch. 2011-72): Blue Alerts; Emergency Alert System; Assault; Battery; Homicide; Serious Bodily Injury; Weapons; Firearms; Law Enforcement Officers; Sheriffs; Law Enforcement Agencies; Florida Department of Law Enforcement; Department of Highway Safety and Motor Vehicles; Department of Transportation; Television; Radio; Dynamic Message Signs

Creates F.S. 784.071 concerning the assault or battery of a law enforcement officer missing while in the line of duty. At the request of an authorized person employed at a law enforcement agency, the Florida Department of Law Enforcement will activate the emergency alert system and issue a "Blue Alert" if the following conditions are met: a law enforcement officer has been killed, has suffered serious bodily injury, or has been assaulted with a deadly weapon, or is missing while in the line of duty under circumstances evidencing concern for the officer's safety; the suspect has fled the scene of the offense; the agency investigating the offense determines that the suspect poses an imminent threat to the public or other officers; a detailed description of the suspect's vehicle, or other means of escape, or license plate is available for broadcasting; dissemination of available information to the public may help avert further harm or assist in the subject's apprehension; and if the officer is missing, there is sufficient information available relating to the officer's last known location and physical description, and the description of the vehicle involved, to be broadcast to the subject and other law enforcement agencies, which could assist in locating the missing officer. The "Blue Alert" must be immediately disseminated to the public through the emergency alert system by broadcasting the alert on television, radio, and the dynamic message signs that are located on the state's highways. *Effective Date: October 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/0003/BillText/er/PDF>

House Bill 19 (Ch. 2011-158): Sheriffs; Compensation

As part of a bill regarding the compensation of county officials, amends F.S. 145.071 to allow a sheriff to voluntarily reduce his or her salary rate. *Effective Date: July 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/0019/BillText/er/PDF>

House Bill 39 (Ch. 2011-73): Controlled Substances; Homologues; Synthetic Cannabinoids; "Spice"; "K2"; THC; Marijuana; Crimes and Penalties

This bill concerns controlled substances and synthetic cannabinoid-mimicking compounds such as "Spice" and "K2." Creates a definition of "homologue" in F.S. 893.02(11) to mean a chemical compound in a series in which each compound differs by one or more alkyl functional groups on an alkyl chain side. A synthetic cannabinoid is a chemically engineered substance, similar to THC, the active ingredient in marijuana that, when ingested or smoked, can produce a high similar to marijuana. It adds five synthetic cannabinoids, including the ingredients in "K2" and "Spice", to the Schedule I controlled substances in F.S. 893.03(1)(c) as subsections 40 through 44. Violation of the provisions of F.S. Chapter 893 are the same as the other controlled substances listed F.S. 893.03(1)(c), except that possession of 3 grams or less of these five newly added substances in a non-powdered form is a first-degree misdemeanor per amended F.S. 893.13(6)(b). *Effective Date: July 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/0039/BillText/er/PDF>

House Bill 45 (Ch. 2011-109): Firearms; Ammunition; Preemption; Counties; Municipalities; Ordinances; Rules; Administrative Regulations; Civil Actions; Attorneys Fees; Injunctions; Governor; Zoning; Law Enforcement Agencies; Sheriffs; Courts; Administrative Law Judges; Fish and Wildlife Conservation Commission; Crimes and Penalties

Amends F.S. 790.33 to more strongly express the state's occupation of the "whole field of regulation of firearms and ammunition" to include the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage and transportation thereof. The preemption means that all existing and future county, city, town, or municipal ordinances as well as any administrative regulations or rules adopted by local or state government related thereto are declared null and void. Existing language allowing county purchase waiting periods is deleted. The law makes "Any person, county, agency, municipality, district, or other entity" that violates the Legislature's preemption of the firearms and ammunition regulatory field liable under the statute. An aggrieved party can seek a permanent injunction against enforcement of any improper ordinance, regulation or rule, and specifically provides that it is of no defense that in enacting any such ordinance, regulation or rule the local government was acting in good faith or upon advice of counsel.

Knowing and willful violations will result in a civil fine of up to \$5,000 against officials, and public funds may not be used to defend or reimburse any person found to have knowingly and willfully violate the law. If the violation is by one acting in an official capacity or otherwise under color of law, it is grounds for termination of employment or contract or removal from office by the Governor. Any person or organization whose membership is adversely affected by "any ordinance, regulation, measure, directive, rule, enactment, order, or policy promulgated or caused to be enforced in violation" of the law may file a lawsuit seeking declaratory and injunctive relief and for actual damages (up to \$100,000). A prevailing plaintiff may recoup attorney's fees.

A few exceptions are included in the law. As a matter of statutory construction, once the Legislature begins listing exceptions, it is presumed that items not in the list were intentionally left out. Accordingly, the list of exceptions should be considered the "only

exceptions.” Within the list of exceptions are: “Zoning ordinances that encompass firearms businesses along with other businesses” (except such done to restrict firearms which would NOT be excluded); law enforcement agency regulations pertaining to firearms, ammunition or firearm accessories used by peace officers “in the course of their official duties”; the regulating or prohibiting of employees from carrying firearms and ammunition during the course of the employee’s official duties—except as provided in s. 790.251 (related to right to keep firearms in motor vehicles); the ability of a court or administrative law judge to hear and resolve matters within the jurisdiction of the court or judge; or the Florida Fish and Wildlife Conservation Commission from regulating the use of firearms and ammunition “as a method of taking wildlife” and in regulating shooting ranges managed by the Commission.

Editor’s Note: This bill has far-reaching impact with severe sanctions for violating it. Law enforcement executives should review its application and scope and assure that their officers do not violate the law. Remember that the various state statutes related to crimes and restrictions on guns remain valid since they were enacted by the state. However, all local ordinances, all policies, and regulations that have an impact on the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage and transportation of firearms and ammunition will no longer be valid and enforcement actions based on them will likely be considered a “knowing and willful violation” resulting in a civil fine, a lawsuit, and constituting grounds for termination or removal from office by the Governor. Acting upon advice of counsel or in good faith is NOT a defense. Carefully review this new law and take steps to avoid being in violation of it. Since attorney’s fees are allowed, it is likely that “aggrieved persons” will aggressively seek compliance with the new law through lawsuit and injunctive relief.

Effective Date: October 1, 2011.

<http://www.flsenate.gov/Session/Bill/2011/0045/BillText/er/PDF>

House Bill 59 (Ch. 2011-159): Sheriffs; Service of Process; Writs of Execution; Civil Actions; Fees; Process Servers; Gated Communities; Corporations; Statutory Agents; Chief Financial Officer

As part of this bill regarding service of process, amends F.S. 30.231(1)(d), to clarify that a sheriff may charge \$40.00 for processing each writ of execution. Per revised F.S. 30.231(3), the party requesting service of process must furnish the sheriff the original process, a certified copy of the process, or an electronic copy of the process, which was signed and certified by the clerk of court. The bill also adds language to F.S. 48.031, regarding service of process and witness subpoenas, by establishing what the process server must write on the process being served and establishes a requirement for gated residential communities to grant unannounced entry to a process server who is attempting to serve process on a defendant or witness who resides within, or is known to be within that community. Amends F.S. 48.081 and F.S. 48.151 concerning service on corporations or statutory agents for certain persons, respectively. The law in F.S. 48.21 regarding return of execution of process is also revised by requiring the person who effects the service of process to sign the return-of-service form. A person employed by a sheriff who makes the service may sign the form using an electronic signature certified by the sheriff. Also revises F.S. 624.423 concerning service of process on the Chief Financial Officer. **Effective Date: July 1, 2011.**

<http://www.flsenate.gov/Session/Bill/2011/0059/BillText/er/PDF>

House Bill 75 (Ch. 2011-180): Sexting; Minors; Computers; Electronic Data; Communication Devices; Photographs; Videos; Nudity; Telephones; Community Service; Sexual Conduct; Sexual Excitement; Stalking; Crimes and Penalties

Creates tentatively numbered F.S. 847.0141 that establishes the offense of "sexting." A minor commits this offense if he or she knowingly uses a computer, or other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video which depicts nudity, as defined in F.S. 847.001(9), and is "harmful to minors", as is defined in F.S. 847.001(6). It is also a violation for a minor to possess a photograph or video of any person that was transmitted or distributed by another minor which depicts nudity, and is harmful to minors. The bill also contains language that establishes when a minor has not violated the illegal "possession" portion of the law and addresses when transmission/distribution or possession of multiple videos or photographs is a single offense. The first violation of the law is a noncriminal offense, punishable by 8 hours of community service, or a \$60 fine in lieu of such service. It is a first-degree misdemeanor to violate the law after having been found to commit a noncriminal sexting violation. It is a third-degree felony to violate the law after being found to commit a first-degree misdemeanor sexting offense. A minor may be prosecuted for violation of any state law if the photograph or video that depicts nudity also includes the depiction of sexual conduct or sexual excitement, and the law does not prohibit prosecution of a minor for stalking under F.S. 784.048. *Effective October 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/0075/BillText/er/PDF>

Senate Bill 88 (Ch. 2011-143): Employers and Employees; Compensation; Public Agencies; Bonus Pay; Severance Pay; Officers; Agents; Contractors; Misconduct; Settlements

As part of this bill concerning public employee compensation, revises provisions in F.S. 215.425 regarding bonus pay and severance pay to public employees. On or after July 1, 2011, a unit of government that enters into a contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, that contains a provision for severance pay with an officer, agent, employee, or contractor must include provisions in the contract that severance pay may not exceed an amount greater than 20 weeks of compensation, and may not be paid at all when the person has been fired for misconduct as defined in F.S. 443.036(29). However, a person may receive severance pay that is not included in a contract if the severance pay represents the settlement of an employment dispute and may not exceed an amount greater than 6 weeks of compensation. The bill also creates a definition of "severance pay" that does not include compensation for earned leave, early retirement, or insurance subsidies. *Effective Date: July 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/0088/BillText/er/PDF>

House Bill 95 (Ch. 2011-110): State Parks; Military Members; Law Enforcement Officers; Sheriffs; Firefighters; Parents; Spouses; Admission Fees

Adds language to F.S. 258.0145 that allows the parents, in addition to spouses who were already covered by the law, of deceased members of the United States Armed Forces, National Guard, or reserve components to receive lifetime family annual entrance passes at state parks no charge. The bill also creates language in the same section to allow the surviving spouse and parents of a law enforcement officer or firefighter, who has died in the line of duty, to receive lifetime family annual entrance passes at state parks at no charge. *Effective Date: July 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/0095/BillText/er/PDF>

House Bill 105 (Ch. 2011-161): Open House Parties; Minors; Parents; Serious Bodily Harm; Death; Alcoholic Beverages; Controlled Substances; Crimes and Penalties

Amends F.S. 856.015, concerning open house parties, by adding a first-degree misdemeanor violation for a person who violates the law a second or subsequent time. A first time violation is a second-degree misdemeanor. Also creates a new first-degree misdemeanor if a violation of subsection (2) causes or contributes to causing serious bodily injury or death to a minor, or if a minor causes or contributes to causing serious bodily injury or death to another as a result of the minor's consumption of alcohol or drugs at the open house party. *Effective Date: July 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/0105/BillText/er/PDF>

House Bill 139 (Ch. 2011-75): Child Care Facilities; Advertisements; Family Day Care Homes, Large Family Child Care Homes; License Numbers; Registration Numbers; Crimes and Penalties

As part of this bill concerning child care facilities, revises the first-degree misdemeanor in F.S. 402.318 by requiring advertisements about child care facilities, family day care homes, and large family child care homes to include the state or local agency license number or registration number for the facility. *Effective Date: July 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/0139/BillText/er/PDF>

Senate Bill 146 (Ch. 2011-207): "Jim King Keep Florida Working Act"; Ex-Offenders; Employers and Employees; Public Employment; State Agencies; State Boards; Rules; Civil Rights; Concealed Weapons/Firearms; Law Enforcement Agencies; Sheriffs; Correctional Agencies; Firefighters; Counties; Municipalities

As part of the "Jim King Keep Florida Working Act", each state agency must submit to the Governor and designated legislative leaders by December 31, 2011, a list of all agency or board statutes or rules that disqualify from employment or licensure persons who have been convicted of a crime and have completed any incarceration and restitution to which they have been sentenced. They must also provide a determination if the disqualifying statutes

or rules are readily available to prospective employers and licensees in addition to the identification and evaluation of alternatives to the disqualifying statutes or rules which protect the health, safety, and welfare of the general public without impeding the gainful employment of ex-offenders.

Effective January 1, 2012, greatly revises F.S. 112.011 concerning the disqualification from licensing and public employment based on a criminal conviction. A state agency may not deny an application for a license, permit, certificate, or employment based solely on an applicant's lack of civil rights; however, this does not apply to applications for a license to carry a concealed weapon or firearm under F.S. Chapter 790. This section of law does not apply to any law enforcement or correctional agency, or to listed hiring prohibitions regarding firefighters, or to counties and municipalities. ***Effective Date: June 21, 2011, except as the bill provides otherwise.***

<http://www.flsenate.gov/Session/Bill/2011/0146/BillText/er/PDF>

House Bill 155 (Ch. 2011-112): Firearms; Ammunition; Privacy; Health Care Practitioners; Health Care Facilities; Patients; Medical Records; Emergency Medical Technicians; Paramedics; Insurance; Insurers; Florida Patient's Bill of Rights and Responsibilities; Crimes and Penalties

Creates F.S. 790.338 that establishes a right to medical privacy concerning firearms and addresses numerous situations concerning what a health care practitioner, health care facility, emergency medical technician, or paramedic may ask a patient or retain in the patient's records. The bill also prohibits an insurer issuing any type of insurance policy under F.S. Chapter 627 from denying coverage, increasing premiums, or otherwise discriminating against any insured or applicant for insurance on the basis of or upon reliance upon the lawful ownership of a firearm or ammunition. Violations of the law by a health care practitioner or health care facility are grounds for disciplinary action by the board governing the respective person or entity. In addition, the bill amends the provisions of F.S. 381.026 governing Florida Patient's Bill of Rights and Responsibilities by repeating much of the language and provisions in F.S. 790.338. ***Effective Date: June 2, 2011.***

<http://www.flsenate.gov/Session/Bill/2011/0155/BillText/er/PDF>

House Bill 227 (Ch. 2011-162): Elections; Military Members; Overseas Voters; Absentee Ballots; Canvassing; Ballots; Recounts; Crimes and Penalties

Greatly amends the provisions of F.S. 101.6952 regarding federal write-in absentee ballots for absent uniformed service members and overseas voters. Also amends parts of F.S. 101.5614 and F.S. 102.166 concerning the canvass of returns and manual recounts of overvotes and undervotes, respectively, to reflect changes regarding the federal write-in absentee ballots. The third-degree felony in F.S. 104.18, regarding casting more than one ballot at any election, is revised by excluding absentee ballots cast by absent military members or overseas voters pursuant to F.S. 101.6952. ***Effective Date: July 1, 2011.***

<http://www.flsenate.gov/Session/Bill/2011/0227/BillText/er/PDF>

Senate Bill 234 (Ch. 2011-145): Firearms; Weapons; Open Carrying; Concealed Firearms/Weapons; Self Defense; Handguns; Courts; Law Enforcement Agencies; Schools; Career Centers; Motor Vehicles; Firearms Purchases; Rifles; Shotguns; Repeals; Crimes and Penalties

Revises F.S. 790.053(1), governing the open carrying of weapons and firearms, by stating that it is not a violation of this section of law for a person licensed to carry a concealed firearm per F.S. 790.06, and who is lawfully carrying a firearm in a concealed manner, to briefly and openly display the firearm in the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self defense. Amends F.S. 790.06 by stating that a concealed weapons license does not permit a licenseholder to openly carry a handgun, or carry a concealed weapon or firearm into places listed in this section that include courtrooms, law enforcement stations, prisons, schools, and career centers, among others. A person licensed under this section is not prohibited from carrying or storing a firearm in a vehicle for lawful purposes. One who knowingly and willingly violates any provision of F.S. 790.06 commits a second-degree misdemeanor. Adds language to F.S. 790.065, governing the sale and delivery of firearms, to clarify that this section does not apply to the purchase, trade, or transfer of a rifle or shotgun by a Florida resident when he or she makes such purchase, trade, or transfer from a licensed importer, manufacturer, or dealer in another state. Repeals F.S. 790.28 relating to purchase of firearms in a contiguous state. **Effective Date: June 17, 2011.**

<http://www.flsenate.gov/Session/Bill/2011/0234/BillText/er/PDF>

Senate Bill 240 (Ch. 2011-146): Injunctions for Protection; Courts; Repeat Violence; Sexual Violence; Dating Violence; Foreign Protection Orders; Residences; Schools; Employers and Employees; Motor Vehicles; Personal Property Damage; Firearms; Ammunition; Crimes and Penalties

Amends F.S. 784.047, relating to protective injunctions for repeat violence, sexual violence, dating violence, and foreign protection orders, by creating new first-degree misdemeanor violations for violating issued protective injunctions. It will now be a violation for a person subject to the injunction to be within 500 feet of the petitioner's place of residence; school, place of employment, or a specified place frequented by the petitioner as covered in the injunction. Other new violations relate to knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether the vehicle is occupied or not; for defacing or destroying the petitioner's personal property, including his or her motor vehicle; or for refusing to surrender firearms or ammunition if ordered to do so by the court. **Effective Date: July 1, 2011.**

<http://www.flsenate.gov/Session/Bill/2011/0240/BillText/er/PDF>

House Bill 251 (Ch. 2011-220): “Walk in Their Shoes Act”; Sexual Offenses; Evidence; Courts; “Williams Rule”; Minors; Service/Therapy Animals; Child Pornography; Sexual Performance by a Child; State Attorneys; Law Enforcement Agencies; Sheriffs; Emergency Rooms; Victims; Video Voyeurism; Statute of Limitations; Hepatitis Testing; Crimes and Penalties

This 28-page bill covers a number of topics related to sexual offenses and is titled the “Walk in Their Shoes Act.” In the revisions to F.S. 90.404 the law clarifies the meaning of “child molestation” and also allows a court to consider additional types of prior sexual acts committed by the defendant to be admitted into evidence under the “Williams Rule.” Amends F.S. 92.55 to allow a court to permit the use of a registered service or therapy animal to help a child witness to testify in a sexual offense proceeding. Creates tentatively numbered F.S. 92.561 that requires any property or material, which constitutes child pornography or sexual performance by a child, to remain secured under the custody of the court, the state attorney or a law enforcement agency. Such material may not be duplicated for release to the defendant so long as the state attorney makes it reasonably available to the defendant under specified conditions. Revises F.S. 395.1021 by authorizing any licensed facility or emergency room to gather forensic medical evidence from a sexual battery victim who has reported the offense to a law enforcement agency or who requests such evidence be gathered for a future report. Amends F.S. 775.15 to allow, in addition to the time periods already in this section, the prosecution for video voyeurism to be commenced within 1 year after the date that the victim obtains actual knowledge of the existence of a recording, or from the date that the law enforcement agency confiscates the recording, whichever occurs first. Revised F.S. 794.052 requires a law enforcement agency to provide or arrange for transportation for the victim of a sexual battery to an appropriate facility, i.e., a medical facility or rape-crisis treatment center, and to provide that, prior to an investigating officer filing his or her final report, the victim be permitted to review it and provide a statement as to the accuracy of the report. Amends F.S. 960.003 to include testing for hepatitis of persons or juveniles who are alleged to have committed certain offenses involving the transmission of body fluids, as well as specifying other procedures for follow-up and notification. ***Effective October 1, 2011***, also revises F.S. 827.071 by expanding the elements of the offense of sexual performance by a child to include the intentional viewing or control of an image, data, or computer depiction which includes sexual conduct by a child. It also specifies an exemption for law enforcement investigations. ***Effective Date: July 1, 2011, except as the bill provides otherwise.***

<http://www.flsenate.gov/Session/Bill/2011/0251/BillText/er/PDF>

House Bill 277 (Ch. 2011-113): Sovereign Immunity; Civil Actions; Governmental Agencies; Counties; Municipalities; Department of Financial Services; Statute of Limitations; Wrongful Death; Medical Malpractice; Sheriffs

This bill revises sections of F.S. 768.28 concerning the sovereign immunity of governmental agencies in civil tort actions. New language requires a claimant to present a wrongful death claim in writing to the Department of Financial Services within two years after the claim accrues. The statute of limitations for wrongful death and medical malpractice is tolled for the period of time that the Department of Financial Services, or the appropriate agency, takes to deny the claim. An action arising from medical malpractice or wrongful death must

be commenced within the limitation for such actions as specified in F.S. 95.11(4). **Effective Date: July 1, 2011.**

<http://www.flsenate.gov/Session/Bill/2011/0277/BillText/er/PDF>

House Bill 283 (Ch. 2011-41): Seaports; Security Standards; Florida Department of Law Enforcement; Office of Drug Control; Transportation Worker Identification Credential; "TWIC"; Seaport Security Standards Advisory Council; Repeals

This 23-page bill makes extensive changes to F.S. Chapter 311 relating to Florida's deepwater public seaports, and especially to F.S. 311.12 concerning security requirements for such seaports. The bill deletes language that established minimum security standards based the Florida Seaport Security Assessment 2000 and now states that a seaport may implement security measures that are more stringent, more extensive, or supplemental to applicable federal security regulations. Seaports are also required to periodically revise their security plans based on their ongoing assessment of security risks, etc. The bill eliminates the duties of the Florida Department of Law Enforcement and the Office of Drug Control that were previously contained in this chapter of law. Persons seeking authorization for unescorted access to secure and restricted areas of a seaport must possess a valid Transportation Worker Identification Credential (TWIC) issued by the federal government. In repealing F.S. 311.115, the bill also eliminates the Seaport Security Standards Advisory Council. **Effective Date: May 24, 2011.**

<http://www.flsenate.gov/Session/Bill/2011/0283/BillText/er/PDF>

Senate Bill 330 (Ch. 2011-148): Elections; Candidates; Military Members; Florida Elections Commission; Administrative Law Judges; Crimes and Penalties

Creates F.S. 104.2715 in the Florida Election Code that prohibits a candidate, in a primary or other election, from falsely representing, directly or indirectly, that he or she served or is currently serving in the military, whether active duty, reserve, or National Guard. Any person may file a complaint with the Florida Elections Commission alleging a violation of this new law. The commission, or administrative law judge, must assess a civil penalty of up to \$5,000 against any candidate who is found to have violated this law. **Effective Date: July 1, 2011.**

<http://www.flsenate.gov/Session/Bill/2011/0330/BillText/er/PDF>

House Bill 339 (Ch. 2011-184): Credit Cards; Debit Cards; Theft; Retailers; Crimes and Penalties

Creates F.S. 817.60(8) that makes it a third-degree felony for a person to knowingly possess, receive, or retain custody of a credit card or debit card that has been taken from the possession, custody, or control of another without the cardholder's consent and with the intent to impede the recovery of the credit card or debit card by the cardholder. It is not a violation for a retailer or retail employee, in the ordinary course of business, to possess, receive, or return a credit card or debit card that the retailer or retail employee does not know was stolen, or to possess, receive, or retain a credit card or debit card that the retailer

or retail employee knows is stolen for the purpose of the investigation into the circumstances regarding the theft of the card or its possible unlawful use. *Effective Date: October 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/0339/BillText/er/PDF>

Senate Bill 344 (Ch. 2011-42): Animals; Sexual Conduct; Sexual Contact; Crimes and Penalties

Creates F.S. 828.126 that makes it a first-degree misdemeanor for a person to knowingly engage in any sexual conduct or sexual contact with an animal; to knowingly cause, aid, or abet another person to engage in any sexual conduct or sexual contact with an animal; to knowingly permit any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her control; or to knowingly organize, promote, conduct, advertise, aid, abet, participate in as an observer, or perform any service in the furtherance of an act involving any sexual conduct or sexual contact with an animal for a commercial or recreational purpose. The law does not apply to accepted animal husbandry practices, conformation judging practices, or veterinary medical practices. *Effective Date: October 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/0344/BillText/er/PDF>

House Bill 347 (Ch. 2011-80): "Ashley Nicole Valdes Act"; Vehicles; Motor Vehicles; Crashes; Death; Leaving the Scene; Racing; Driving Under the Influence; Courts; Drivers Licenses; First Appearance; Bonds; Arrest Warrants; Crimes and Penalties

This 17-page bill creates language in F.S. 316.027(1)(b) that provides that a person who is arrested for violating this paragraph for failure to stop a vehicle at the scene of a crash involving the death of any person, and who has previously been convicted of leaving the scene of a crash, racing on the highways, driving under the influence, or felony driving while license suspended, revoked, cancelled, disqualified, must be held in custody until first appearance for a bail determination. This revision prevents judges who issue warrants for failure to stop a vehicle at the scene of a crash involving death from setting a predetermined bond amount in an arrest warrant. It also prevents local jurisdictions from placing the offense on a bond schedule with predetermined bond amounts. *Effective Date: October 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/0347/BillText/er/PDF>

Senate Bill 400 (Ch. 2011-33): Drug Courts; Courts; Controlled Substances; Crimes and Penalties

This 7-page bill amends provisions of law in F.S. Chapters 397, 921, and 948 that relate to treatment-based drug court programs, drug offenders, sentencing, and the ability of offenders to enter into such programs. *Effective Date: July 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/0400/BillText/er/PDF>

Senate Bill 408 (Ch. 2011-39): Property Insurance; Casualty Insurance; Sinkholes; Rebates; Insurance Fraud; Fraud; Crimes and Penalties

This 129-page bill concerns numerous property and casualty insurance-related issues. Per a change to F.S. 627.707, regarding sinkhole claims, a policyholder may not accept a rebate from any person performing specified repairs. If the policyholder does receive a rebate, the insurance coverage is void and the policyholder must refund the amount of the rebate to the insurer. Any person making specified repairs who offers a rebate is considered to commit insurance fraud, a third-degree felony. *Effective Date: May 17, 2011, except as the bill provides otherwise.*

<http://www.flsenate.gov/Session/Bill/2011/0408/BillText/er/PDF>

House Bill 409 (Ch. 2011-83): Public Records; Exemptions; Confidentiality; Criminal Intelligence Information; Criminal Investigative Information; Sexual Offenses; Victims; Video Voyeurism

This bill expands the confidentiality and exemption from public records release contained in F.S. 119.071(2)(h)1.c for criminal intelligence and criminal investigative information pertaining to photographs, videotapes, or images of any part of the body of the victim of any sexual offense prohibited under F.S. 810.145, the video voyeurism law. *Effective Date: July 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/0409/BillText/er/PDF>

House Bill 411 (Ch. 2011-115): Public Records; Exemptions; Public Agencies; Photographs; Audio Recordings; Video Recordings; Death; Killing; Spouses; Parents; Next-of-Kin; Courts; "Earnhardt Law"; Crimes and Penalties

Creates tentatively numbered F.S. 406.136 that establishes a public records exemption that would prohibit the release of photographs or video or audio recordings of the "killing of a person" when such records are held by an "agency" as defined in F.S. Chapter 119. The "killing of a person" is defined to mean "all acts or events that cause or otherwise relate to the death of any human being, including any related acts or events immediately preceding or subsequent to the acts or events that were the proximate cause of death." It is almost identical to the "Earnhardt Law," F.S. 406.135. A surviving spouse, surviving parent if no surviving spouse, or adult child if there is no surviving spouse or parent, may have access to such recordings, as may an agent designated in writing by the surviving spouse. A local, state, or federal agency, in furtherance of its official duties, pursuant to a written request, may view, copy, or listen to the photographs/recordings. Unless otherwise required in the performance of the duties of the agencies holding this information, the identity of the deceased must remain confidential and exempt. As with "Earnhardt" the custodian may not permit any other person to view or copy the materials without a court order and the surviving spouse/parent/adult child must be given reasonable notice of a petition filed with a court to view/copy the materials. Any custodian of the materials/records, who willfully and knowingly violates this law by allowing an unauthorized person to copy or view the materials/records, or by violating a court order, commits a third-degree felony. Criminal

and administrative proceedings are exempt from the law but a criminal or administrative court may restrict or otherwise control the disclosure of a killing, crime scene, or similar photograph or recording. The exemption is given retroactive application and applies to materials/records now held by "agencies." However, nothing in this law is intended to overturn, abrogate, or alter any existing court orders that are in effect when the law becomes effective. **Effective Date: July 1, 2011.**

<http://www.flsenate.gov/Session/Bill/2011/0411/BillText/er/PDF>

Senate Bill 450 (Ch. 2011-43): Emergency Management; "Postdisaster Relief Assistance Act"; Emergency First Responders; Family Members; Law Enforcement Officers; Sheriffs; Firefighters; Physicians; Dentists; Nurses; Paramedics; National Guard; Civil Actions; Immunity; Counties

Creates the "Postdisaster Relief Assistance Act" in F.S. 252.515. The bill provides that any person who gratuitously and in good faith provides temporary housing, food, water, or electricity to emergency first responders or immediate family members of emergency first responders, in response to cited emergency situations, may not be held liable for any civil damages as a result of providing the goods or services to the first responders unless the person acts in a manner demonstrating a reckless disregard for the consequences of another. "Emergency First Responder" includes law enforcement officers, firefighters, paramedics, physicians, dentists, National Guard members, advanced registered nurse practitioners, and others defined in the bill. "Immediate family members" means any parent, spouse, child, or sibling. The bill also includes exemptions from the immunity provided in the law, a definition of "reckless disregard", and a presumption of having acted in good faith by registering with a county as a temporary provider of services and goods. **Effective Date: July 1, 2011.**

<http://www.flsenate.gov/Session/Bill/2011/0450/BillText/er/PDF>

Senate Bill 512 (Ch. 2011-152): Vessels; Reckless Operation; Careless Operation; Boating Accidents; Boating Safety Identification Cards; Boater Education Certificates; Liveries; Crimes and Penalties

Amends F.S. 327.33, regarding reckless or careless operation of a vessel, by clarifying that boating accidents not involving reckless vessel operation constitute a second-degree misdemeanor or an infraction. Revises provisions in F.S. 327.395 concerning boating safety identification cards and boater education certificates. The bill also amends the second-degree misdemeanor provisions in F.S. 327.54(2) governing safety regulations a livery must follow in leasing, hiring, or renting some vessels. In addition, revised F.S. 327.73 increases the fines for some of the infraction violations relating to vessels. **Effective Date: October 1, 2011.**

<http://www.flsenate.gov/Session/Bill/2011/0512/BillText/er/PDF>

House Bill 563 (Ch. 2011-187): Injunctions for Protection; Domestic Violence; Repeat Violence; Sexual Violence; Dating Violence; Courts; Sheriffs; Law Enforcement Agencies; Clerk of Court

Revises part of F.S. 741.30 concerning injunctions for protection against acts of domestic violence, and part of F.S. 784.046 concerning injunctions for protection against acts of repeat violence, sexual violence, or dating violence. Subject to available funding, the Florida Association of Court Clerks and Comptrollers is to develop an automated process by which a petitioner for protection may request notification of the service of the injunction for protection against the respective type of violence, and other court actions related to the injunction for protection. The automated notice must be made within 12 hours after the sheriff or other law enforcement officer serves the injunction on the respondent. The notification must include, at a minimum, the date, time, and location where the injunction for protection was served. *Effective Date: July 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/0563/BillText/er/PDF>

House Bill 597 (Ch. 2011-85): Public Records; Exemptions; Confidentiality; Emergency Contact Information; Agencies; Personal Identifying Information

Creates F.S. 119.071(5)(j) that provides that any information, including the person's name, address, telephone number, e-mail address, or other electronic communication address, furnished by a person to an agency for the purpose of being provided with emergency notification by the agency is confidential and exempt from public records release. *Effective Date: July 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/0597/BillText/er/PDF>

House Bill 621 (Ch. 2011-188): Minors; Child Visitation; Military Members; Courts

This bill amends F.S. 61.13002, relating to child custody, by mandating that a parent's activation, deployment, or temporary assignment to a military service and the resulting temporary disruption to the child may not be the sole factor in a court's decision to grant a petition for or modification of permanent time-sharing and parental responsibility. *Effective Date: July 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/0621/BillText/er/PDF>

Senate Bill 664 (Ch. 2011-218): Missing Persons; Silver Alerts; Elderly Persons; Florida Department of Law Enforcement; Sheriffs; Law Enforcement Agencies; Radio; Television; Media; Broadcasters; Communication Services; Civil Actions; Immunity; Missing Endangered Persons Information Clearinghouse

This bill amends a number of sections of law in F.S. Chapter 937 in order to codify the state's "Silver Alert" system, housed at the Florida Department of Law Enforcement, that was created by Executive Order in October, 2008. The plan provides for alerts regarding a missing person age 60 years or older when there is a clear indication that the person has an irreversible deterioration of intellectual faculties. It also applies to a missing person of ages

18 to 59 years when the person has an irreversible deterioration of intellectual faculties and law enforcement has determined the person lacks the capacity to consent. A hyperlink to the "Silver Alert Plan" is attached below:

<http://www.fdle.state.fl.us/MCICSearch/SilverAlerts.asp>

Specifically the bill revises F.S. 937.0201 by adding "a missing adult who meets the criteria for activation of the Silver Alert Plan of the Florida Department of Law Enforcement" to the definition of "missing endangered person." Amended F.S. 937.021 provides that upon receiving a request to record, report, transmit, display, or release "Silver Alert" information from the law enforcement agency having jurisdiction over the missing adult, FDLE, any state or local law enforcement agency, and their personnel; any radio or television network, broadcaster, or other media representative; any dealer of communication services; or any agency, employee, individual, or entity is immune from civil liability for complying in good faith with the request and is presumed to have acted in good faith in recording, reporting, transmitting, displaying, or releasing "Silver Alert" information pertaining to the missing adult. The law also amends F.S. 937.022(3)(b) by mandating that only the law enforcement agency having jurisdiction over the case may make a request to the Missing Endangered Persons Information Clearinghouse within FDLE for the activation of a state "Silver Alert" involving a missing adult if circumstances regarding the disappearance have met the criteria for activation of the "Silver Alert Plan." *Effective Date: July 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/0664/BillText/er/PDF>

House Bill 677 (Ch. 2011-88): Public Records; Exemptions; Confidentiality; Office of Financial Regulation; State Agencies; Federal Agencies; Law Enforcement Agencies; Sheriffs

Creates F.S. 119.0712(3) that establishes an exemption and confidentiality from public records release for specified information obtained by the Office of Financial Regulation from another state or federal regulatory, administrative, or criminal justice agency that is otherwise confidential or exempt pursuant to state or federal law. The exemption and confidentiality also apply to information that is received or developed by the office as part of a joint or multiagency examination or investigation with another state or federal regulatory, administrative, or law enforcement agency. *Effective Date: July 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/0677/BillText/er/PDF>

Senate Bill 722 (Ch. 2011-211): Dogs; Dangerous Dogs; Dog Fighting

Amends F.S. 767.11(1) by removing "dogs that have been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting" from the definition of "dangerous dog" in this chapter of law that relates to the damage done by dogs. *Effective Date: July 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/0722/BillText/er/PDF>

Senate Bill 844 (Ch. 2011-38): "Officer Andrew Widman Act"; Courts; Probation; Community Control; Arrest Warrants; First Appearance; Jails; Bail; Prisons; Violent Felony Offenders; Crimes and Penalties

Revises F.S. 948.06, concerning violation of probation or community control, by adding language that if a judge finds reasonable grounds that a probationer or offender has violated his or her probation or community control in a material respect by committing a new violation of law, the judge may issue an arrest warrant for the person. Also added was language that at a first appearance hearing for an offender who was arrested for violating the offender's probation or community control in a material respect, the court must inform the person of the violation and may order the person to be taken before the court that granted the probation or community control if the person admits the violation. If the charged person does not admit the violation at the first appearance hearing, the court may commit the person, or may release the person with or without bail to await further hearing, or may order the person to be brought before the court that originally granted the probation or community control. The court may consider the likelihood of a prison sanction for the violation in determining the course of action concerning incarceration, release, or the setting of bail, etc. This new section of law does not apply to a probationer or person on community control who is subject to the hearing requirement of F.S. 948.06(4) concerning offenders who are a "danger to the community", or of F.S. 948.06(8)(e) concerning "violent felony offenders of special concern." *Effective Date: October 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/0844/BillText/er/PDF>

House Bill 883 (Ch. 2011-119): Public Lodging Establishments; Public Food Service Establishments; "Tourist Safety Act of 2011"; Handbills; Forfeitures; "Florida Contraband Forfeiture Act"; Contraband Articles; Personal Property; Arrests; Notice to Appear; Law Enforcement Officers; Sheriffs; Motor Vehicles; Money; Firearms; Crimes and Penalties

This 18-page bill covers a number of topics relating to public lodging establishments and public food service establishments. Included are revisions to F.S. 509.144, prohibiting unwanted handbill distribution in a public lodging establishment, that increase fines for violations. Revisions to this same section also permit seizure and forfeiture under the "Florida Contraband and Forfeiture Act." It allows for the seizure and forfeiture of any personal property, including, but not limited to, any vehicle, item, object, tool, device, weapon, machine, money, security, book, or record, that is used or attempted to be used as an instrumentality in the commission of, or in aiding and abetting the commission of, a person's *third or subsequent* violation of F.S. 509.144. Also amends the definition of "contraband article" in F.S. 932.701(2)(a) by adding property that can be seized and forfeited because of its use in violating F.S. 509.144. Finally, it creates F.S. 901.1503 that permits a law enforcement officer to issue a notice to appear without a warrant when the officer has determined that he or she has probable cause to believe that there has been a violation of F.S. 509.144, and the owner or manager of a public lodging establishment in which the violation occurred and one additional affiant sign an affidavit containing information that supports the officer's determination of probable cause. *Effective Date: June 2, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/0883/BillText/er/PDF>

Senate Bill 946 (Ch. 2011-5): Revisers Bill; Community Colleges; Florida College System Institutions; Law Enforcement Agencies

As part of this 354-page revisers bill, changes the references of "community college" to "Florida College System institution" in both F.S. 1009.40, concerning requirements for student financial aid awards and grants, and in F.S. 1012.88 concerning education institution police. There will no longer be "Community College" police or police officers; they will now be "Florida College System institution" police or police officers. *Effective Date: July 6, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/0946/BillText/er/PDF>

House Bill 997 (Ch. 2011-124): Juvenile Justice; Minors; Civil Citations; Diversion Programs; Department of Juvenile Justice; Courts; Sheriffs; Law Enforcement Agencies; State Attorneys; Public Defenders; Counties; Municipalities; Crimes and Penalties

This bill amends F.S. 985.12 and requires the Department of Juvenile Justice (DJJ) to encourage and assist in the implementation and improvement of civil citation programs or other similar diversion programs around the state. The programs must be established at the local level with the concurrence of the chief judge of the circuit, state attorney, public defender, and head of each local law enforcement agency involved. The program may be operated by an entity such as a law enforcement agency, DJJ, a juvenile assessment center, a county, a municipality, or an entity selected by the county or municipality. The entity operating a program must do so in consultation and agreement with the state attorney and local law enforcement agencies. Only first-time misdemeanor offenders are eligible for the civil citation or similar diversion programs. If a minor fails to timely report for a work assignment, complete a work assignment, or comply with assigned intervention services within a prescribed time, or if he or she commits a subsequent misdemeanor, the law enforcement officer investigating the case shall issue a report alleging the minor has committed a delinquent act. At that point a juvenile probation officer must process the original delinquent act as a referral to DJJ and refer the report to the state attorney for review. *Effective Date: July 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/0997/BillText/er/PDF>

House Bill 1037 (Ch. 2011-193): Continuing Care; Continuing Care At-Home Contracts; Crimes and Penalties

As part of a 41-page bill relating to various continuing care issues, creates provisions regarding continuing care at-home contracts and services. Amended F.S. 651.125 makes it a third-degree felony for listed persons to violate provisions of F.S. Chapter 651 in relation to continuing care at-home contracts. *Effective Date: July 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/1037/BillText/er/PDF>

House Bill 1039 (Ch. 2011-90): Bath Salts; Controlled Substances; Hallucinogenic Substances; Designer Drugs; Crimes and Penalties

This 32-page bill amends F.S. 893.03(1)(c) by adding 6 hallucinogenic substances, or “designer drugs”, that have been sold as “bath salts” in Florida. These substances are actually drugs of abuse and were added to the list of Schedule I controlled substances and all offenses regarding the sale, possession, etc., of Schedule I controlled substances apply to these newly-added ones. *Effective Date: July 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/1039/BillText/er/PDF>

House Bill 1087 (Ch. 2011-174): Insurance; Fraud; Motor Vehicles; Crimes and Penalties

As part of a 37-page bill covering a number of topics related to insurance, revises the false and fraudulent insurance claim law in F.S. 817.234. This will allow a judge, in addition to the criminal penalties of this section, to impose civil penalties of \$5,000 to \$50,000 against a person convicted of violating any provision of this section of law for the purpose of receiving insurance proceeds from a motor vehicle insurance contract. *Effective Date: July 1, 2011, except as the bill provides otherwise.*

<http://www.flsenate.gov/Session/Bill/2011/1087/BillText/er/PDF>

House Bill 1127 (Ch. 2011-224): Abortions; Ultrasounds; Law Enforcement Agencies; Sheriffs; Police Reports; Restraining Orders; Domestic Violence; Rape; Incest; Human Trafficking; Victims; Courts

As part of the law in F.S. 390.0111 regarding abortions, creates a requirement that a woman considering an abortion submit to an ultrasound and be offered the opportunity to view and hear an explanation of the ultrasound results prior to having the abortion. The woman may elect to decline to view and hear the explanation after she is informed of this right. Unless requested by the woman, the person performing the ultrasound may not offer the opportunity to view the images and hear the explanation, and the explanation may not be given if, at the time the woman schedules or arrives for her appointment to obtain an abortion, a copy of a restraining order, police report, medical record, or other court order or documentation is presented which provides evidence that the woman is obtaining the abortion because she is the victim of rape, incest, domestic violence, human trafficking, or for specified medical reasons. Failure to comply with the law will subject the person providing the abortion to disciplinary action under the applicable professional practice act for the provider. *Effective Date: July 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/1127/BillText/er/PDF>

House Bill 1165 (Ch. 2011-94): Veterans; Drivers Licenses; Identification Cards; Department of Highway Safety and Motor Vehicles

Amends F.S. 322.15 and F.S. 322.051 to permit a veteran, upon payment of \$1.00, to have a veteran's designation placed on his or her drivers license or identification card issued by the Department of Highway Safety and Motor Vehicles. *Effective Date: July 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/1165/BillText/er/PDF>

House Bill 1319 (Ch. 2011-95): Dentists; Health Care Practitioners; Crimes and Penalties

As part of a 38-page bill relating to health care practitioners, *effective October 1, 2011*, creates F.S. 466.006(6)(c) that makes it a third-degree felony for a person to use or attempt to use a dental license issued pursuant to this section which has expired, and the violator commits unlicensed practice of dentistry. *Effective Date: May 31, 2011, except as the bill provides otherwise.*

<http://www.flsenate.gov/Session/Bill/2011/1319/BillText/er/PDF>

House Bill 1355 (Ch. 2011-40): Elections; Campaign Financing; Third-Party Voter Registrations; Attorney General; Voter Information Cards; Supervisors of Elections; Eligibility Lists; Polling Places; Ballots; Address Changes; Provisional Ballots; Poll Watchers; Absentee Ballots; Early Voting; Canvassing Boards; Department of State; Inspectors; Contributions; Cash; Cashier's Checks; Crimes and Penalties

This 158-page bill addresses numerous issues relating to election administration and campaign financing. Makes extensive changes to F.S. 97.0575 governing third-party voter registration and permits the Attorney General to enforce violations of this section of law. Amends F.S. 97.071 by requiring that Supervisors of Elections include the polling place address on voter information cards and revises other sections in F.S. Chapter 97 relating to voters changing their names or addresses. Makes changes to provisions in F.S. Chapter 98 that address removal of voters from eligibility lists due to death, felony convictions, etc. Revises F.S. 101.045 by prohibiting an elector, other than active uniformed services voters or their family members, from changing his or her legal residence at the polling place if the elector is from a different county. However, such person may still vote a provisional ballot. Amends the procedures and powers of poll watchers through changes to F.S. 101.131. Makes changes to absentee ballot request procedures and instructions about such ballots in F.S. 101.62 and F.S. 101.65, respectively. Revises the early voting period in F.S. 101.657 by making such periods closer to the scheduled election day. Per amended F.S. 102.141, requires more timely reporting of early voting, tabulated absentee ballots, and precinct election results by county canvassing boards to the Department of State. Amends the provisions of F.S. 104.29 concerning inspectors and refusal to allow watchers while ballots are counted; violation of the law is a first-degree misdemeanor. Makes numerous changes to F.S. Chapter 106 concerning campaign financing and the filing of reports, etc., relating to requirements imposed by this chapter of law. Revises F.S. 106.09, regarding cash contributions and contributions by cashier's checks, by stating that a person may not make an aggregate cash contribution or contribution by means of a cashier's check to the same

candidate or committee in excess of \$50 per election. Also states that a person may not accept an aggregate cash contribution or contribution by means of a cashier's check from the same contributor in excess of \$50 per election. Violation of this section of law is a first-degree misdemeanor unless the amount of the contribution made or accepted exceeds \$5,000, in which case it is a third-degree felony. Due to the length and complexity of this bill, it is recommended that the entire bill be reviewed in order to become familiar with all the topics covered. **Effective Date: May 19, 2011, except as the bill provides otherwise.**

<http://www.flsenate.gov/Session/Bill/2011/1355/BillText/er/PDF>

Senate Bill 1430 (Ch. 2011-108): Smoking; School Districts; Schools

Revises F.S. 386.209 by allowing school districts to restrict smoking by persons on school district property. **Effective Date: July 1, 2011.**

<http://www.flsenate.gov/Session/Bill/2011/1430/BillText/er/PDF>

House Bill 1473 (Ch. 2011-197): Public Records; Exemptions; Confidentiality; Personal Identifying Information; Client Lists; Proprietary Confidential Business Information; Florida Health Choices Program; Crimes and Penalties

Creates an exemption and confidentiality from public records release in F.S. 408.910(14) relating to personal identifying information of an enrollee or participant who has applied for or participates in the Florida Health Choices Program. The law also provides the same protection from release for client and customer lists of a buyer's representative held by a vendor corporation as well as proprietary confidential business information held by the vendor corporation. The bill also provides for authorized release of the information and creates a second-degree misdemeanor for knowing and willful violation of this section of law. **Effective Date: October 1, 2011.**

<http://www.flsenate.gov/Session/Bill/2011/1473/BillText/er/PDF>

Senate Bill 2104 (Ch. 2011-51): Office of Drug Control; Seaport Security Standards Advisory Council; Repeals

Part of this 19-page bill includes repeal of F.S. 397.332 which will have the effect of eliminating the Office of Drug Control. The rest of the bill contains language that transfers some of the prior duties of that office to other state governmental entities. In addition, the bill repeals F.S. 311.115 that eliminates the Seaport Security Standards Advisory Council. **Effective Date: July 1, 2011.**

<http://www.flsenate.gov/Session/Bill/2011/2104/BillText/er/PDF>

Senate Bill 2112 (Ch. 2011-53): Juvenile Detention Facilities; Minors; Sheriffs; Counties; Detention Care; Jails

Adds F.S. 985.688(11) that will allow counties to operate their own juvenile detention facilities if they cover the full cost for preadjudication detention for juveniles. In order to be exempt from other provisions of the above statute, the bill provides for other requirements, including that the county must also authorize the sheriff, any county jail operator, or a contractor to provide preadjudication detention care for juveniles, the sheriff or jail operator is accredited by designated organizations, and that other listed regulations are followed. *Effective Date: July 1, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/2112/BillText/er/PDF>

Senate Bill 2122 (Ch. 2011-56): Department of Agriculture and Consumer Services; Attorney General; State Attorneys; Price Gouging; "Lemon Law"; Motor Vehicles; Crimes and Penalties

As part of a 30-page bill relating to state government operations, revises F.S. 501.160 so that the state attorneys and the Office of the Attorney General, rather than the Department of Agriculture and Consumer Services, will enforce the law prohibiting price gouging. Also revises numerous sections of F.S. Chapter 681 that concerns the state's "Lemon Law" by making the Office of the Attorney General responsible for duties under the law and removing the duties of the Department of Agriculture and Consumer Services. *Effective Date: May 26, 2011.*

<http://www.flsenate.gov/Session/Bill/2011/2122/BillText/er/PDF>

Senate Bill 2160 (Ch. 2011-66): Department of Highway Safety and Motor Vehicles; Department of Transportation; Motor Carrier Compliance; Motor Vehicles; Crash Reports; Florida Highway Patrol; Commercial Motor Vehicles; State Agencies; Law Enforcement Consolidation Task Force; Florida Department of Law Enforcement; Attorney General; Department of Agriculture and Consumer Services; Fish and Wildlife Conservation Commission; Florida Sheriffs Association; Florida Police Chiefs Association

This 55-page bill covers numerous topics concerning the Department of Highway Safety and Motor Vehicles (DHSMV) and the Florida Department of Transportation (DOT). Much of the bill addresses the transfer of the Office of Motor Carrier Compliance from DOT to DHSMV. Amends provisions in F.S. 316.066(1) concerning written reports of motor vehicle crashes. Reflecting the transfer of the sworn members of the DOT Office of Motor Carrier Compliance to DHSMV, revises F.S. 316.545(1) to allow any Florida Highway Patrol (FHP) officer to enforce the provisions of this statute concerning weight, load, and fuel enforcement inspections, etc., for commercial motor vehicles. Amends F.S. 321.05 governing the duties, functions, and powers of Florida Highway Patrol officers while other parts of the law relate to DHSMV administrative functions and duties. Also creates a "Law Enforcement Consolidation Task Force" consisting of representatives from DHSMV, FDLE, the Attorney General's Office, Department of Agriculture and Consumer Services, FHP, the Fish and Wildlife Conservation Commission, the Florida Sheriff's Association, and the Florida Police Chiefs Association. This task force is to evaluate any duplication of law enforcement functions throughout state

government and identify any functions that are appropriate for possible consolidation. It must also evaluate administrative functions and FHP jurisdiction limits. If the task force concludes that any state law enforcement consolidation is appropriate, it must make recommendations and submit a plan by December 31, 2011 to the President of the Senate and the Speaker of the House of Representatives. The task force expires June 30, 2012. **Effective Date: July 1, 2011.**

<http://www.flsenate.gov/Session/Bill/2011/2160/BillText/er/PDF>

House Bill 4013 (Ch. 2011-129): Television Picture Tubes; Picture Tubes; Repeals; Crimes and Penalties

Repeals F.S. 817.559 and F.S. 817.56, concerning the second-degree misdemeanor offenses regarding television picture tube labeling requirements and misrepresentation of television picture tubes, respectively. **Effective Date: July 1, 2011.**

<http://www.flsenate.gov/Session/Bill/2011/4013/BillText/er/PDF>

House Bill 4019 (Ch. 2011-9): Motor Vehicles; Coasting; Repeals; Crimes and Penalties

Repeals F.S. 316.2024 that had made it a moving violation infraction to coast a motor vehicle on a downgrade. **Effective Date: April 27, 2011.**

<http://www.flsenate.gov/Session/Bill/2011/4019/BillText/er/PDF>

House Bill 4121 (Ch. 2011-130): Clove Cigarettes; Cigarettes; Repeals; Crimes and Penalties

Repeals F.S. 859.058 regarding the prohibition against the sale, use, possession, transfer, or other disposing of clove cigarettes or similar products. **Effective Date: June 2, 2011.**

<http://www.flsenate.gov/Session/Bill/2011/4121/BillText/er/PDF>

House Bill 5401 (Ch. 2011-132): Cybercrime Office; Attorney General; Florida Department of Law Enforcement

Creates F.S. 943.0415, transferring the Cybercrime Office, part of the Office of the Attorney General, to the Florida Department of Law Enforcement. **Effective Date: July 1, 2011.**

<http://www.flsenate.gov/Session/Bill/2011/5401/BillText/er/PDF>

House Bill 7077 (Ch. 2011-202): Public Records; Exemption; Biometric Identification Information; Fingerprints; Palm Prints; Footprints

Reenacts F.S. 119.071(5)(g) that relates to the exemption from public records release for biometric identification information that is held by agencies. Biometric identification

information means any record of friction ridge detail, fingerprints, palm prints, and footprints. **Effective Date: October 1, 2011.**

<http://www.flsenate.gov/Session/Bill/2011/7077/BillText/er/PDF>

House Bill 7083 (Ch. 2011-99): Public Records; Exemption; Interference with Custody; Sheriffs; State Attorneys

Reenacts F.S. 787.03(6)(c) regarding the exemption from public records release for information submitted to a sheriff or state attorney for the purpose of obtaining immunity from prosecution for the offense of interference with custody. **Effective Date: October 1, 2011.**

<http://www.flsenate.gov/Session/Bill/2011/7083/BillText/er/PDF>

House Bill 7087 and House Bill 7091 (Ch. 2011-37): False Claims; Academic Degrees; Academic Titles; Repeals; Crimes and Penalties

As part of a 21-page bill addressing the elimination of numerous education laws, repeals F.S. 817.567 that had made it a first-degree misdemeanor to make false claims regarding an academic degree or title. **Effective Date: May 5, 2011.**

<http://www.flsenate.gov/Session/Bill/2011/7087/BillText/er/PDF>

House Bill 7095 (Ch. 2011-141): Pill Mills; Controlled Substances; Prescription Drugs; Physicians; Pain-Management Clinics; Medical Physicians; Osteopathic Physicians; Pharmacies; Department of Health; "Florida Drug and Cosmetic Act"; Wholesale Drug Distributors; Repackagers; Florida Department of Law; Enforcement; Prescription Drug Monitoring Program; Burglary; Theft; Stolen Property; Attorney General; Sheriffs; Law Enforcement Agencies; Nuisances; Counties; Municipalities; State Health Officer; Surgeon General; Public Health Emergency; Federal Agencies; Contraband; Crimes and Penalties

This is a comprehensive 98-page bill dealing with the prescribing and dispensing of Schedule II and III controlled substances by physicians, pain management clinics, pharmacies, and wholesale drug distributors. Amends F.S. 456.072, dealing with disciplinary penalties for physicians by increasing the fines and suspension periods for those who violate their standards of practice concerning prescribing or dispensing controlled substances. **Effective January 1, 2012**, creates F.S. 456.44 governing controlled substance prescribing by physicians. Extensively revises F.S. 458.3265 (medical physicians) and F.S. 459.0137 (osteopathic physicians) regarding pain-management clinics and physician responsibilities and requirements relating to such clinics. Creates a third-degree felony in F.S. 458.327 for a medical physician to dispense a Schedule II or Schedule III controlled substance in violation of F.S. 465.0276. Creates a third-degree felony in F.S. 459.013 for an osteopathic physician to dispense a Schedule II or Schedule III controlled substance in violation of F.S. 465.0276. Amended F.S. 465.015(3) makes it a first-degree misdemeanor for a pharmacist to knowingly fail to report to the sheriff or other chief law enforcement agency of the county where the pharmacy is located within 24 hours after learning of any instance in which a

person obtained or attempted to obtain a controlled substance, or at the close of business on the next business day, whichever is later, that the pharmacist knew or believed was obtained or attempted to be obtained through fraudulent methods or representations from the pharmacy at which the pharmacist practiced pharmacy. New language in F.S. 465.018 requires community pharmacies which dispense controlled substances to maintain records about prescribed controlled substances and to make those records available to the Department of Health (DOH) and law enforcement agencies upon request. Revises F.S. 465.0276 to prohibit a practitioner from dispensing a schedule II or III controlled substance unless provided for in the listed exceptions that include: complimentary or sample controlled substances; in the health care system of the Department of Corrections; in connection with certain surgical procedures within certain timeframes; pursuant to participation in an approved clinical trial; methadone in a licensed treatment program; or for hospice patients.

Revises provisions in F.S. Chapter 499, the "Florida Drug and Cosmetic Act", by adding language in F.S. 499.0051 to make it a third-degree felony for any person to submit a report required by F.S. 499.0121(14) knowing that such report contains a false statement. It is also a third-degree felony for any person who engages in the wholesale distribution of prescription drugs to knowingly distribute controlled substances in violation of F.S. 499.0121(14). Amends F.S. 499.0121(14) to require each prescription drug wholesale distributor, out-of-state prescription drug wholesale distributor, retail pharmacy drug wholesale distributor, manufacturer, or repackager that engages in the wholesale distribution of controlled substances to submit a report to DOH of its receipts and distributions of controlled substances listed in Schedule II, Schedule III, Schedule IV, or Schedule V of F.S. Chapter 893. DOH must share the reported data with the Florida Department of Law Enforcement and local law enforcement agencies upon request and must monitor purchasing to identify purchasing levels that are inconsistent with the purchasing entity's clinical needs. FDLE must investigate purchases at levels that are inconsistent with the purchasing entity's clinical needs to determine whether violations of F.S. Chapter 893 have occurred.

Amends the burglary laws in F.S. 810.02(3)(f) to make it a third-degree felony for the burglary of a structure or conveyance when the offense intended to be committed therein is theft of a controlled substance. Creates F.S. 812.014(2)(c)13, making it a third-degree offense if property that is stolen is any amount of a controlled substance as defined in F.S. 893.02. Amends F.S. 893.055, the prescription drug monitoring program law, by requiring reports of dispensed drugs to be made to DOH not more than 7 days after they were dispensed, unless an extension is approved; currently there is a 15-day reporting requirement. Revises F.S. 893.07(4) by specifying that inspection or copying of listed controlled substance records by law enforcement officers does not require a subpoena, court order, or search warrant. Creates a second-degree misdemeanor in F.S. 893.07(5) for a person to fail to report a theft or significant loss of a controlled substance listed in F.S. 893.03(3), (4), or (5) within 24 hours after discovery; also makes it a first-degree misdemeanor for a person to fail to report a theft or significant loss of a substance listed in F.S. 893.03(2) within 24 hours after discovery. New F.S. 893.13(7)(a)13 makes it a third-degree for a person to obtain a controlled substance that is not medically necessary, or to obtain a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact. It is also a third-degree felony for a health care practitioner to provide a controlled substance to a patient that is not medically necessary or to provide a controlled substance to a patient by misrepresentation, fraud, forgery, deception,

subterfuge, or concealment of a material fact. Revises F.S. 893.138 to allow for a county or municipality to institute an action to have a pain-management clinic be declared as a public nuisance after meeting listed criteria.

On July 1, 2011, the effective date of this law, the State Health Officer (Surgeon General) must declare that there is a public health emergency in the state and, pursuant to that action, DOH, FDLE, the Attorney General, and local law enforcement agencies must take various actions. Within 2 days after July 1, DOH must identify dispensing practitioners who purchased more than an average of 2,000 unit doses of controlled substances and shall identify the dispensing practitioners in that group who pose the greatest threat to the public health based on an assessment. The Attorney General shall consult and coordinate with federal law enforcement agencies and FDLE must coordinate the efforts of local law enforcement agencies. On the third day after July 1, FDLE or local law enforcement agencies must enter the business premises of the dispensing practitioners identified as posing the greatest threat to public health and quarantine any on site inventory of Schedule II or Schedule III controlled substances. FDLE and the local law enforcement agencies must ensure the security of the seized substances until such is either seized as contraband or deemed to be lawfully possessed by the practitioner. Within 10 days after July 1, each physician, who does not meet the statutory exceptions to this section, shall ensure that the undispensed inventory of controlled substances is either returned in compliance with the laws and rules adopted under F.S. Chapter 499 to the wholesale distributor, or is turned in to local law enforcement agencies and abandoned. Thirty days after July 1, the only legal method for a dispensing practitioner to sell or otherwise transfer controlled substances listed in Schedule II or Schedule III is through specified abandonment procedures or as authorized under F.S. 465.0276. On the 31st day after July 1, any remaining inventory of controlled substances is declared to be contraband under F.S. 893.12, whereby FDLE or local law enforcement agencies shall seize the inventory and comply with the destruction provisions of F.S. 893.12. Due to the length of this bill and the number of topics it contains, please review it in order to determine all applicable additions and changes. ***Effective Date: July 1, 2011, except as the bill provides otherwise.***

<http://www.flsenate.gov/Session/Bill/2011/7095/BillText/er/PDF>

House Joint Resolution 7105 [2011] and House Bill 1207 [2010 Legislative Session] (Ch. 2011-6): Elections; Campaign Financing; Affiliated Party Committees; Political Parties; Electioneering Communications Organizations; Division of Elections; Contributions; Telephone Calls; Crimes and Penalties

This 60-page bill, concerning a number of issues regarding elections and campaign financing, was vetoed by Governor Crist in 2010. The 2011 Legislature overrode the veto and the law has now become effective. Creates F.S. 103.092 that establishes affiliated party committees whose purpose it is to support the election of candidates of the respective political parties. Also amends the definition of "electioneering communication" in F.S. 106.011(18) by stating what that term means and what it does not include. Also adds "affiliated party committees" into numerous other sections of F.S. Chapter 106 that govern fund raising and reporting requirements. Revises the definition of "electioneering communications organizations in F.S. 106.011 (19). Extensively amends F.S. 106.03 relating to registration of political committees and electioneering communications organizations. Further revises provisions in F.S. 106.08

concerning limitations on contributions; violation of this section of law can either be a felony or misdemeanor. Amends F.S. 106.1439 by revising what disclaimer must be stated during any electioneering communication telephone call; failure to include the disclaimer is a first-degree misdemeanor. **Effective Date: March 24, 2011.**

Hyperlink to House Joint Resolution 7105:

<http://www.flsenate.gov/Session/Bill/2011/7105/BillText/er/PDF>

Hyperlink to House Bill 1207 (2010):

<http://laws.flrules.org/2011/6>

House Bill 7161 (Ch. 2011-136): Public Records; Exemptions; Confidentiality; Concealed Firearms/Weapons; Licenses; Personal Identifying Information

Reenacts F.S. 790.0601 regarding the confidentiality and exemption from public records release for personal identifying information relating to a person who has applied for or received a license to carry a concealed weapon or firearm. **Effective Date: October 1, 2011.**

<http://www.flsenate.gov/Session/Bill/2011/7161/BillText/er/PDF>

House Bill 7215 (Ch. 2011-206): Department of Agriculture and Consumer Services; Open Burning; Theft; Bees; Farm Theft; Farmers; Crimes and Penalties

As part of this 72-page bill regarding the Department of Agriculture and Consumer Services, amends provisions in F.S. 590.125 concerning open burning and second-degree misdemeanors for various violations of this section of law. Adds language to F.S. 812.014(2)(c) making it a third-degree felony to steal a bee colony of a registered beekeeper. The farm theft provisions of F.S. 812.015 were revised by redefining "farmer" to include a person engaged in the production of honey. It also revises the definition of "farm theft" to include "the unlawful taking possession of equipment and associated materials used to grow or produce farm products as defined" in F.S. 823.14(3)(c). **Effective Date: July 1, 2011.**

<http://www.flsenate.gov/Session/Bill/2011/7215/BillText/er/PDF>

House Bill 7223 (Ch. 2011-140): Competitive Solicitation; Public Records; Public Meetings; Exemptions; Public Agencies

Creates new language in F.S. 119.071(1)(b) concerning "competitive solicitation" information in sealed bids, proposals, or replies regarding the procurement of products or services and its exemption from public records release. The bill also includes revisions concerning the "competitive solicitation" process and exemptions from public meetings in F.S. 286.0113(2). **Effective Date: June 2, 2011.**

<http://www.flsenate.gov/Session/Bill/2011/7223/BillText/er/PDF>

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