

2013 LEGISLATIVE SUMMARY

LAWS OF INTEREST TO FLORIDA LAW ENFORCEMENT

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 2013 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>. We have not discussed every element of every summarized law. 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 further explained below. At the end of the summaries you will find an index to help you locate laws by subject, a table 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 Jeff Dambly, Grace Jaye, Fern Rosenwasser and Joe White for the hours they spent reviewing bills and preparing most of the text of the Summary. Thanks also to retired FDLE attorney Craig Rockenstein for volunteering to "proof" the summaries. 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, "copy" and "paste" the link into your internet browser to access a bill. Some laws of interest to you may have been omitted. *Do not rely solely on our summary for a complete understanding of any bill or the 2013 Session.* 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.

A farewell note: This is the last Legislative Summary being issued under my tenure as FDLE General Counsel. Early next year I will be leaving state employment as required for those finishing Florida's DROP program. It has been my privilege to have served the criminal justice community as FDLE General Counsel since 1992. It's been a terrific experience, and I look forward to what the future may bring. Remain faithful to your call to public service, and stay safe!

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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
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FLORIDA DEPARTMENT OF LAW ENFORCEMENT
OFFICE OF GENERAL COUNSEL



2013 LEGISLATIVE SUMMARY

Senate Bill 2 (Ch. 2013-36): Ethics; Public Officers and Employees; Public Records; Public Meetings; Dual Public Employment; Ethics Training; Commission on Ethics; Referrals of Ethics Violations; Governor; Department of Law Enforcement; State Attorneys; United States Attorneys

This 64-page bill makes several amendments to F.S. Chapter 112, Part III, Code of Ethics for Public Officers and Employees. Included among these is the creation of F.S. 112.3125 which bars a public officer from accepting dual public employment with the state or any of its political subdivisions if the public officer knows, or should know, that the position is for the purpose of gaining influence or other advantage based on the public officer's office or candidacy. The bill also specifies the requirements a public officer must meet in order to accept dual public employment. It creates F.S. 112.3142 and requires constitutional officers, including sheriffs, to complete four hours of ethics training annually, including the "Code of Ethics for Public Officers and Employees", public records laws, and Government-in-the-Sunshine public meetings laws. The new law amends F.S. 112.324 to authorize the Commission on Ethics, upon the vote of at least six of its members, to accept from the Governor, the Department of Law Enforcement, a state attorney, or a United States Attorney, a written referral of a possible ethics violation other breach of the public trust. (Review SB 4 for related subject matter.) *Effective Date: May 1, 2013.*

<http://www.flsenate.gov/Session/Bill/2013/0002/BillText/er/PDF>

Senate Bill 4 (Ch. 2013-38): Public Records; Public Meetings; Exemptions; Confidentiality

This bill amends F.S. 112.324, by creating exemptions to F.S. Chapter 119, for written referrals and related records held by the Commission on Ethics, the Governor, the Department of Law Enforcement, or a State Attorney. Creates an exemption to F.S. Chapter 119 for records relating to preliminary investigations made by the Commission on Ethics. The bill also creates an exemption to F.S. Chapter 119, relating to public meetings, for portions of proceedings of the Commission on Ethics when referrals are discussed or acted upon. *Effective Date: May 1, 2013.*

<http://www.flsenate.gov/Session/Bill/2013/0004/BillText/er/PDF>

House Bill 15 (Ch. 2013-19): Funerals; Burials; Protest Activities; Crimes and Penalties

This bill creates F.S. 871.015 and provides definitions of funeral, burial, and protest activities. The new law provides an exclusionary zone around funerals or burials or funeral processions

within which a protest may not occur. Provides that violation of this section is a misdemeanor of the first degree. **Effective Date: October 1, 2013.**

<http://www.flsenate.gov/Session/Bill/2013/0015/BillText/er/PDF>

House Bill 49 (Ch. 2013-111): Drug Paraphernalia; Controlled Substances; Sales; Crimes and Penalties

This bill revises F.S. 893.147, prohibiting the retail sale of drug paraphernalia, in addition to prohibitions on the use, possession, manufacture, delivery, and transportation of paraphernalia that were already in place. The new prohibition on retail sales of drug paraphernalia makes it illegal for a person to knowingly and willfully sell or offer for sale any drug paraphernalia at a retail location. There is an exception for pipes primarily made of briar, meerschaum, clay or corn cob. The bill dictates that a violation of the new subsection is a first-degree misdemeanor, while a second or subsequent offense is a third-degree felony. **Effective Date: July 1, 2013.**

<http://www.flsenate.gov/Session/Bill/2013/0049/BillText/er/PDF>

Senate Bill 52 (Ch. 2013-58): Wireless Communications Devices; "Florida Ban on Texting While Driving Law"; Texting; Traffic Infractions; Motor Vehicles; Driver's Licenses; Crimes and Penalties

This bill amends F.S. 316.305, by making texting while driving a secondary non-criminal traffic offense. The new law provides for exceptions including emergency service personnel and law enforcement personnel, individuals reporting an emergency or criminal activity, receiving messages that are related to the operation or navigation of a motor vehicle, or related to various alerts. It also exempts wireless interpersonal communication that does not require manual entry of multiple letters, numbers, or symbols or that does not require reading text messages (except to activate, deactivate, or initiate a feature or function). Provides for assessment of points against the driver's license for texting associated with various primary traffic infractions. The bill also restricts the admissibility of a person's billing records to determine when a violation occurred to only those cases involving a traffic crash death or personal injury. **Effective Date: October 1, 2013.**

<http://www.flsenate.gov/Session/Bill/2013/0052/BillText/er/PDF>

Senate Bill 56 (Ch. 2013-62): Infant Death; Sudden Unexpected Infant Death (SUID); Criminal Justice Standards and Training Commission (CJSTC); Curriculum; Law Enforcement Agencies; Medical Examiners; Medical Examiners Commission; Law Enforcement Officers; First Responders

This bill revises provisions regarding training requirements related to Sudden Unexpected Infant Death for first responders, including law enforcement officers but not corrections or correctional probation officers. The bill requires the Criminal Justice Standards and Training Commission to adopt and modify when necessary, by rule, curriculum from the Centers for Disease Control SUID Initiative as part of a law enforcement officer's basic training. This curriculum must be followed by law enforcement agencies when investigating sudden infant death cases, or when responding to parents or caretakers who have requested assistance in such cases. The bill reaffirms that the death of any infant younger than 1 year of age who dies suddenly and unexpectedly while in apparent good health falls under the jurisdiction of the medical examiner,

as provided in F.S. 406.11. It also directs the Medical Examiners Commission to provide for the development and implementation of a protocol for the forensic investigation of SUID.
Effective Date: July 1, 2013.

<http://www.flsenate.gov/Session/Bill/2013/0056/BillText/er/PDF>

Senate Bill 62 (Ch. 2013-161): Golf Carts; Low-Speed Vehicles; Motor Vehicle Registration; Department of Highway Safety and Motor Vehicles

Amends F.S. 319.14 to authorize the conversion of a low-speed vehicle (LSV) to a golf cart. The converted vehicle must not be capable of exceeding 20 miles per hour. Upon submission of an affidavit by the owner, DHSMV will cancel the LSV's certificate of title and registration and issue a decal that must be displayed on the rear of the converted vehicle. (Pursuant to F.S. 322.04, a person operating a golf cart is not required to have a driver's license.) **Effective Date: July 1, 2013.**

<http://www.flsenate.gov/Session/Bill/2013/0062/BillText/er/PDF>

House Bill 77 (Ch. 2013-136): Landlords; Tenants; Civil Actions; Leased Property; Preclusion; Crimes and Penalties

This bill provides that a landlord/tenant right or duty enforced by a civil action under F.S. 83.54(7) does not preclude prosecution for a criminal offense related to a lease or leased property in question. **Effective Date: July 1, 2013.**

<http://www.flsenate.gov/Session/Bill/2013/0077/BillText/er/PDF>

Senate Bill 92 (Ch. 2013-33): "Freedom from Unwarranted Surveillance Act"; Searches and Seizures; Drone Aircraft; Law Enforcement Agencies; Civil Actions

Creates a yet to numbered law known as the "Freedom from Unwarranted Surveillance Act." This bill prohibits law enforcement agencies from using drone aircraft to gather evidence or other information except in certain enumerated situations. Those exceptions are: (a) to counter a high risk of a terrorist attack if the Department of Homeland Security finds a credible risk; (b) if the law enforcement agency obtains a warrant prior to use of a drone; and (c) if the law enforcement agency has reasonable suspicion that swift action is needed to prevent an emergency, such as imminent danger to life or serious damage to property, the imminent escape of a suspect or the destruction of evidence, or to facilitate a missing persons search. Using drones in law enforcement scenarios without the application of one of these exceptions would render any evidence or information inadmissible in court. The bill also authorizes an aggrieved party to initiate a civil action to prevent or remedy a violation of the law. **Effective Date: July 1, 2013.**

<http://www.flsenate.gov/Session/Bill/2013/0092/BillText/er/PDF>

House Bill 93 (Ch. 2013-74): Department of Highway Safety and Motor Vehicles; Driver's Licenses; Motor Vehicle Registrations; Homeless Persons

This bill authorizes the Department of Highway Safety and Motor Vehicles to collect a voluntary contribution of \$1 in addition to required motor vehicle registration and driver license fees. The contributions go to the Department of Children and Family Services to distribute to local entities

providing aid and services to the homeless, to fund public information about homelessness in the state, and to provide literature for homeless persons seeking assistance. **Effective Date: July 1, 2013, except as the bill provides otherwise.**

<http://www.flsenate.gov/Session/Bill/2013/0093/BillText/er/PDF>

Senate Bill 112 (Ch. 2013-228): Filing False Documents; False Liens; Public Officers or Employees; Sentencing; Victims; Public Records; Prisoners; Civil Actions; "Sovereign Citizens"; Courts; Crimes and Penalties

This bill significantly enhances options available to address and remove from public records false documents, liens, etc., against real or personal property. This type of behavior is often practiced by "sovereign citizens" and others to harass public officials and employees, but the law is not limited to just these types of individuals.

The bill creates F.S. 817.535 that makes it a third-degree felony to "file" (defined in the law) or direct another to file, with intent to defraud or harass another, any "instrument" (defined in the law) containing a materially false, fictitious, or fraudulent statement or representation that purports to affect an owner's interest in the property. A second or subsequent offense is a second-degree felony. The crime is enhanced one degree upward if the victim is a public officer or employee as defined in the law.

The penalty is enhanced if the violator committed the offense while incarcerated in a jail or correctional institution, or while in pretrial diversion, pretrial release, on bond, on probation or parole or under any post-release supervision. The court's written finding shall be forwarded to the jail or correctional facility for consideration whether disciplinary action or forfeiture of gain-time or early release credits shall occur.

Penalty enhancement also occurs if the victim incurs financial loss as a result of the instrument being recorded in the official record, including costs and attorney fees incurred in correcting, sealing or removing the false instrument.

Upon conviction for a violation of the law, the court shall issue an order declaring the instrument that is the basis for the conviction null and void, and may enjoin the defendant from filing any instrument in the future absent prior judicial review and approval. The court may order the instrument sealed and removed.

In addition to the criminal sanctions, a harmed person may file a civil cause of action to have all or part of an "instrument" declared void and to have it sealed and removed from public record. There is an option to enjoin the filer from future filings and the victim may be entitled to actual damages, punitive damages and the filer may be assessed a civil penalty of \$2500 for each such instrument. Costs and attorney's fees may also be provided.

The law authorizes government agencies to provide legal representation to public officers or employees if the defendant's actions relate to the officer or employee's public or official capacity.

The bill also amends F.S. 843.0855 to expand its scope to those who attempt to supersede or override any legislation or statute of the state or any action of any court of the state. It adds

“harass” and “retaliate against” public officers or employees to the scope of behavior addressed as a crime. *Effective Date: October 1, 2013.*

<http://www.flsenate.gov/Session/Bill/2013/0112/BillText/er/PDF>

House Bill 113 (Ch. 2013-75): Distribution of Materials Harmful to Minors; Minors; Schools; Harmful Materials; Pornography; Crimes and Penalties

This bill amends F.S. 847.012 to prohibit the distribution of harmful materials as defined in F.S. 847.012(3) to minors on school property. The bill also provides for the definition of school property, which includes the grounds or facilities of any kindergarten, elementary school, middle school, junior high school, or secondary school. The bill does not apply to school-approved instructional materials that, by design, serve as a major tool for assisting in the instruction of a subject or course by specified school personnel. The bill makes a violation of this section a third-degree felony. *Effective Date: October 1, 2013.*

<http://www.flsenate.gov/Session/Bill/2013/0113/BillText/er/PDF>

House Bill 155 (Ch. 2013-2): Electronic Gambling Devices; Slot Machines or Devices; Internet Cafes; RICO; “Florida Deceptive and Unfair Trade Practices Act”; Department of Agriculture and Consumer Services; Crimes and Penalties

This bill reaffirms that statutes authorizing charitable or nonprofit organizations to conduct raffles do not authorize the establishment of places of gambling or gaming. It also reaffirms that statutes authorizing for-profit commercial entities to offer certain game promotions or sweepstakes on a limited and occasional basis were never intended to provide for the establishment of places of ongoing gambling or gaming. In addition, the bill confirms that statutory provisions authorizing the operation of skill-based arcade games offered at arcade amusement centers and truck stops were not a vehicle for the conduct of casino-style gambling.

The bill amends F.S. 849.0935, concerning charitable drawings, by clarifying that the definition of “drawing by chance” includes “raffles.” Game promotions, as defined in F.S. 849.04, are specifically excluded from the definition of “drawing by chance.” Compliance with F.S. 849.0935 does not provide an exemption from laws against keeping a gambling house or statutory prohibitions on slot machines or devices.

It provides that compliance with F.S. 849.094, or the rules of the Department of Agriculture and Consumer Services regarding game promotion or sweepstakes, is no defense to a charge of possession of a slot machine or any other device, or a violation of any other law. A violation constitutes a deceptive and unfair trade practice actionable under the “Florida Deceptive and Unfair Trade Practices Act.”

The bill clarifies the definition of “slot machine or device” in F.S. 849.16 by amending it to include any system or network of devices that may be activated by insertion of an account number, code or other information, and which operates either by skill or by chance to provide an opportunity to win something of value. It creates a rebuttable presumption that a device, system, or network is a prohibited slot machine or device if used to display images of games of chance and is part of a scheme involving payment or donation of money or its equivalent and awarding anything of value.

Amends F.S. 849.161 by providing that lawful amusement games or machines at arcade amusement centers and truck stops do not include casino-style games in which the outcome is determined by factors unpredictable by the player, or games in which the player may not control the outcome of the game through skill. Players may not be awarded cash, or any equivalent, gift cards or certificates, or alcoholic beverages. The bill also expands the scope of racketeering predicate acts under F.S. Chapter 895 (RICO), to include any violations of F.S. Chapter 849 (gambling). *Effective Date: April 10, 2013.*

<http://www.flsenate.gov/Session/Bill/2013/0155/BillText/er/PDF>

House Bill 171 (Ch. 2013-138): Medical Examiners; Disposition of Human Remains; Dead Bodies; Anatomical Board; Funeral Directors; Direct Disposal Establishments; Veterans' Service Organizations

This bill amends F.S. 382.002, and revises various provisions relating to procedures for registration of certificates of death or fetal death and medical certification of causes of death. The new law mandates procedures for reporting and disposition of unclaimed remains and disposition of remains of deceased persons whose identities are not known. It revises procedures relating to an anatomical board's retention and use of human remains. The new law details the manner of disposition for unclaimed remains of indigent persons and covers the topics of selling or buying of human remains or transmitting or conveying such remains outside the state. The bill mandates a limit on liability of funeral directors, funeral or direct disposal establishments, and veterans' service organizations. The bill also repeals provisions relating to claims of bodies after delivery to anatomical board. *Effective Date: July 1, 2013.*

<http://www.flsenate.gov/Session/Bill/2013/0171/BillText/er/PDF>

House Bill 239 (Ch. 2013-26): Optometry; Prescriptions; Controlled Substances; Board of Optometry

This bill amends provisions of F.S. Chapter 463 by expanding the authority of certified optometrists who successfully complete a training course and examination developed by two professional associations to administer and prescribe particular oral ocular pharmaceutical agents. The agents are listed in a statutory formulary provided in the bill. These optometrists will have additional reporting requirements to the Department of Health beginning in 2014. The Board of Optometry shall also create an additional formulary of products appropriate to treat or diagnose ocular diseases and disorders. The bill amends F.S. 406.0055 to authorize certified optometrists limited authority to administer or prescribe certain Schedule III, IV, or V controlled substances as provided in the statute. A certified optometrist may not administer or prescribe a controlled substance for the treatment of chronic nonmalignant pain. The bill amends F.S. 893.02(12) to include a certified optometrist licensed pursuant to chapter 463 in the definition of a "Practitioner." It also amends F.S. 893.05(1) to specify that certified optometrists cannot administer or prescribe Schedule I or II controlled substances. *Effective Date: July 1, 2013.*

<http://www.flsenate.gov/Session/Bill/2013/0239/BillText/er/PDF>

House Bill 247 (Ch. 2013-192): Paper Reduction; Electronic Transmission; Bail Bonds; Voters; Ballots; Counties

This bill amends F.S. 903.14, 903.26, 903.27 and 903.31 to permit electronic transmission of bail bond surety affidavits, notices of forfeiture of a bail bond, orders and notices concerning

bail bond forfeitures converted to a judgment, and executed certificates of cancellation of a bail bond to a surety. The bill also authorizes the Supervisor of Elections to send a sample ballot to an elector by e-mail, authorizes county ordinances, amendments, and emergency ordinances to be submitted to the Department of State electronically, and permits electronic transmission of certain documents related to property taxes. *Effective Date: October 1, 2013.*

<http://www.flSenate.gov/Session/Bill/2013/0247/BillText/er/PDF>

Senate Bill 294 (Ch. 2013-29): Controlled Substances; "Bath Salts"; "K2"; "MDMA"; "Ecstasy"; "N-Bomb"; "Smiles"; "Spice"; Synthetic Cannabinoids; Synthetic Stimulants; Sentencing; Crimes and Penalties

This bill concerns Synthetic Cannabinoids, Cathinones, and Synthetic Phenethylamines, and adds 26 additional synthetic cannabinoid-mimicking compounds ("Spice" and "K2"), synthetic stimulants ("bath salts"), and 2-C psychedelic compounds ("Smiles" and "N-Bomb") to Schedule I, as set out in F.S. 893.03(1)(c). The bill reclassifies 3,4-Methylenedioxymethamphetamine (MDMA or "Ecstasy") from Schedule I(a) of F.S. 894.03 to I(c) as a hallucinogenic substance. The bill also clarifies that the hallucinogenic substances listed in F.S. 893.03(1)(c) include their optical, positional, or geometric isomers. Also included are sentences that may be imposed for violation of the laws concerning the newly-added controlled substances. *Effective Date: April 24, 2013.*

<http://www.flSenate.gov/Session/Bill/2013/0294/BillText/er/PDF>

House Bill 311 (Ch. 2013-112): Cost of Prosecution; Cost of Representation; Cost of Investigation; Court Costs; Clerk of Courts; Courts; Community Service; Minors; Crimes and Penalties

This bill amends F.S. 903.286 to require the clerk of court to withhold the costs of prosecution and representation from the return of a criminal defendant's cash bond. The bill also requires the clerk of court to collect and dispense cost payments in any case, regardless of whether the disposition of the case takes place before a judge in open court or in any other manner. The bill also requires the clerk to assess cost of prosecution against juveniles who are adjudicated delinquent or have adjudication of delinquency withheld. Juveniles may perform community service in lieu of payment of court costs, including costs of prosecution and representation. *Effective Date: July 1, 2013.*

<http://www.flSenate.gov/Session/Bill/2013/0311/BillText/er/PDF>

Senate Bill 338 (Ch. 2013-30): Theft of Utility Services; Utility Services; Civil Actions; Sentencing; Controlled Substances; Crimes and Penalties

This bill amends F.S. 812.14 by providing that any person who willfully violates subsection (2)(a) commits theft. It also amends F.S. 812.14 to provide that theft of utility services which are used to manufacture controlled substances is theft. The bill increases the amount of a civil monetary penalty for theft of utility services from the current penalty of three times the value of the services unlawfully obtained or \$1,000, whichever is higher, to three times the amount stolen or \$3,000, whichever is higher. *Effective Date October 1, 2013.*

<http://www.flSenate.gov/Session/Bill/2013/0338/BillText/er/PDF>

House Bill 361 (Ch. 2013-196): Public Meetings; Public Records; Criminal Justice Commissions

This yet to be numbered section that deals with open meetings of criminal justice commissions. It provides for an exemption from the open meetings requirement when the duly constituted criminal justice commission discusses active criminal intelligence information or active criminal investigative information that is before, or may foreseeably come before, the commission. *Effective Date: July 1, 2013.*

<http://www.flsenate.gov/Session/Bill/2013/0361/BillText/er/PDF>

Senate Bill 390 (Ch. 2013-126): Veterans' Organizations; Declaratory Judgments; "Florida Deceptive and Unfair Trade Practices Act"; Crimes and Penalties

This bill adds a new section regarding veterans' organizations by providing definitions and a cause of action whereby veterans' organizations may seek a declaratory judgment against entities holding themselves out to be veterans' organizations, when, in fact, they are not. Provides that a business entity found to be in violation of subsection (2) of the act violates the "Florida Deceptive and Unfair Trade Practices Act", part II of F.S. Chapter 501. Entities that violate subsection (2) are also subject to criminal prosecution for a first-degree misdemeanor. *Effective Date: July 1, 2013.*

<http://www.flsenate.gov/Session/Bill/2013/0390/BillText/er/PDF>

House Bill 407 (Ch. 2013-80): Criminal Gang Prevention; Gangs; Recruitment; School Safety Zones; Jails; Sentencing; Minors; Schools; Law Enforcement Agencies; Crimes and Penalties

This bill provides for a number of provisions related to criminal gangs. The bill increases the penalty for trespassing in school safety zones from a second-degree misdemeanor to a first-degree misdemeanor when the person has previously been convicted of an offense related to criminal gangs in F.S. Chapter 874. The bill also creates a second-degree felony charge for any person who intentionally causes, encourages, solicits or recruits another person under the age of 13 to become a criminal gang member when a condition of membership or continued membership is the commission of a crime. It makes a second or subsequent violation of this section a first-degree felony. The bill also authorizes county and municipal jails to designate an individual for the assessment of criminal gang members or associates amongst inmates, with the authority to transfer information on inmates believed to be criminal gang members to arresting law enforcement agencies. Finally, the bill amends the criminal gang multiplier for sentencing so that if its application results in the lowest permissible sentence exceeding the statutory maximum sentence for the primary offense, the court may not apply the multiplier and instead must sentence the defendant to the statutory maximum sentence. *Effective Date: October 1, 2013.*

<http://www.flsenate.gov/Session/Bill/2013/0407/BillText/er/PDF>

Senate Bill 454 (Ch. 2013-171): Florida College System Institutions; Law Enforcement Officers; Law Enforcement Agencies; Mutual Aid Agreements; Arrests; Fresh Pursuit

This bill amends F.S. 23.1225, to include Florida College System institution police officers authorized to enforce laws within a specified jurisdictional area, among the enumerated categories of voluntary cooperation mutual aid agreements between law enforcement agencies. The bill amends F.S. 316.640 to specify that Florida College System institution (formerly community college) police officers may enforce all the traffic laws of the state up to 1,000 feet outside college-owned or controlled property or facilities. Officers may enforce traffic laws beyond this distance if authorized under a mutual aid agreement or if in fresh pursuit. Similarly, the bill also amends F.S. 1012.88 to permit such college officers to enforce criminal laws or applicable county or city ordinances up to 1,000 feet outside college-owned or controlled property or facilities and beyond, if authorized under a mutual aid agreement or if in fresh pursuit. *Effective Date: July 1, 2013.*

<http://www.flsenate.gov/Session/Bill/2013/0454/BillText/er/PDF>

House Bill 487 (Ch. 2013-85): Freemasonry License Plates; Specialty License Plates; Department of Highway Safety and Motor Vehicles

This bill amends F.S. 320.08058 and directs the Department of Highway Safety and Motor Vehicles (DHSMV) develop a Freemasonry specialty license plate. The bill also amends F.S. 320.08056 to include a \$25 annual use fee for each Freemasonry license plate. DHSMV will distribute the fees collected for such plates to the Masonic Home Endowment Fund, Inc., for use in accordance with the bill. *Effective Date: October 1, 2013.*

<http://www.flsenate.gov/Session/Bill/2013/0487/BillText/er/PDF>

House Bill 489 (Ch. 2013-114): Railroad Police Officers; Common Carriers; Special Officers; Employing Agencies; Crimes and Penalties

This bill amends F.S. 354.01 to provide that Class I, II, and III railroads shall be considered "employing agencies" for specified purposes of employment of law enforcement officers and shall pay costs associated with training and continuing education. The bill also amends F.S. 354.01 to authorize railroads to temporarily employ or appoint special officers who meet listed qualifications in F.S. 943.13. The bill mandates that special officers employed by railroads or other common carriers have specified law enforcement officer qualifications and meet specified continuing training and education requirements. Amends F.S. 784.07 concerning assault or battery on law enforcement officers to include railroad special officers. *Effective Date: July 1, 2013.*

<http://www.flsenate.gov/Session/Bill/2013/0489/BillText/er/PDF>

House Bill 569 (Ch. 2013-37): Campaign Finance; Department of State Division of Elections; Party Executive Committees; Crimes and Penalties

Among other provisions, this bill creates F.S. 106.0702, which requires the reporting individual seeking a publicly-elected position on a political party executive committee to certify the correctness of the required report. Provides criminal penalties for a reporting individual who willfully files an incorrect, false, or incomplete report, provides for a fine under specified

conditions, and authorizes an appeal process. The new law reenacts F.S. 106.19, which provides for criminal and enhanced civil penalties for certain campaign finance violations, and incorporates the amendments made to F.S. 106.08. **Effective Date: November 1, 2013.**

<http://www.flsenate.gov/Session/Bill/2013/0569/BillText/er/PDF>

House Bill 571 (Ch. 2013-86): Marshal of the Supreme Court; Law Enforcement Officers

This bill amends F.S. 25.251 and revises and updates terminology. The bill requires the Supreme Court Marshal and his or her deputies to comply with specified requirements for law enforcement officers. The bill specifies that the Supreme Court Marshal and deputies are law enforcement officers with full powers to bear arms and make arrests but limits the law enforcement authority of the marshal and deputies to the performance of official duties for the Supreme Court. **Effective Date: May 30, 2013.**

<http://www.flsenate.gov/Session/Bill/2013/0571/BillText/er/PDF>

House Bill 585 (Ch. 2013-116): Criminal History Information; Background Checks; Secondary Metals Recyclers; Medical Examiners; Missing and Unidentified Persons; Biometric Data; Fingerprints; Child Abuse Injunctions; Domestic and Repeat Violence Injunctions; Minors; Juvenile Diversion Expunctions; Seal and Expunge; Law Enforcement Accreditation Programs; Sexual Predators; Sexual Offenders; State Crime Laboratories; Criminal Justice Standards and Training Commission (CJSTC); Violent Crime and Drug Control Council (VCDCC); Missing Endangered Persons Information Clearinghouse (MEPIC); National Sexual Offender Public Website (NSOPW); Florida Department of Law Enforcement (FDLE); Counties; Municipalities; State Attorneys; Inspector Generals; Sheriffs; Law Enforcement Officers; Governor

This 101-page bill revises and updates numerous sections of F.S. Chapter 943 and other related subject matter statutes. There are general statutory revisions to references pertaining to the terms "fingerprints" and "fingerprint cards" that are updated to include use of biometric data and electronic submission of the data. In part, the bill amends F.S. 125.5801 and 166.0442 to authorize a county or municipality to require, by ordinance, state and national criminal history screenings for certain employment positions, both private and public. Revises F.S. 406.145 to delete the requirement of submission of an Unidentified Person Report form when a law enforcement agency investigates a death of an unidentified person. The form is now replaced by electronic and automated methods of submission of the information. Amends F.S. 538.26, to expand the list of items that a secondary metals recycler is prohibited from purchasing to include more than two lead-acid batteries. Clarifies and amends F.S. 937.021, 932.024, 937.025 and 937.028, pertaining to MEPIC duties, investigations, and expansion of immunity from civil liability. Amends F.S. 943.031 to reduce VCDCC meetings to once per year. Updates F.S. 943.0435, relating to sexual offender laws, by making numerous revisions regarding technical terms. Revises F.S. 943.04351 to require state agencies employing persons who work or volunteer at parks, playgrounds, and day care centers to include a search of the national sexual offender public website (NSOPW). Amends F.S. 943.045 to add a definition for the term "biometric." Revises F.S. 943.05 to expand the Domestic and Repeat Violence Statewide Verification System to include Chapter 39 injunctions to prevent child abuse. Changes F.S. 943.051 to provide for an exception to the fingerprinting of a juvenile who is issued a civil

citation pursuant to F.S. 985.12. Amends F.S. 943.0582, juvenile diversion expunction, to extend the time limit for submitting applications to FDLE from six months to one year after completion of a qualified diversion program. The bill amends F.S. 943.0585 and 943.059 to remove the prohibition against an expunction or sealing of a Florida criminal history record when the subject has previously received an out-of-state court-ordered expunction or sealing of a criminal history record. Amends 943.125 to expand state accreditation of public agency offices of inspectors general and pretrial diversion operations within the offices of the State Attorneys, county government or sheriff's offices. Revises F.S. 943.13, relating to employment of law enforcement officers, to delete the provision that permits an individual to be employed for up to one year while waiting for a response to a background check. (State and National delays in responses are no longer an issue.) Amends F.S. 943.1395 to specify that the CJSTC has authority to cause verifiable complaints against officers to be investigated by the employing agency or the Governor's Office, rather than the authority to investigate verifiable complaints. Amends F.S. 943.35 to address the procedures and assessments of costs for court-ordered testing services of state labs. **Effective Date: July 1, 2013.**

<http://www.flsenate.gov/Session/Bill/2013/0585/BillText/er/PDF>

House Bill 611 (Ch. 2013-117): False Reports; Law Enforcement Officers; Sentencing; Severity Ranking; Crimes and Penalties

This bill amends F.S. 837.05 by adding a third-degree felony offense for knowingly giving false information to a law enforcement officer. The statute previously provided that the offense was a first-degree misdemeanor, however the bill amends the statute to provide for the third-degree felony when the person has been previously convicted of the same crime, where the information the person gave to the law enforcement officer was communicated orally, and the officer's account of that information is corroborated by an audio recording, video recording, a written or recorded statement by the person who gave that information, or by another person who was present when that person gave the information to the officer and heard that information. Alternatively, the bill provides for a third-degree felony when the person has been previously convicted of the same crime, and the information the person gave to law enforcement was communicated in writing. **Effective Date: October 1, 2013.**

<http://www.flsenate.gov/Session/Bill/2013/0611/BillText/er/PDF>

House Bill 617 (Ch. 2013-118): Department of Juvenile Justice (DJJ); DJJ Circuit Advisory Boards; DJJ County Councils

This bill amends F.S. 985.664, to streamline the organizational make up of DJJ Circuit Boards, whose purpose is to provide recommendations to DJJ in the development and implementation of juvenile justice programs. The DJJ Circuit Boards are re-named to DJJ Advisory Boards and incorporate the duties of the DJJ Councils, thereby discontinuing the existence of the councils. Except in single-county circuits, each DJJ advisory board shall have a county organization representing each of the counties in the circuit. The bill requires approval of the sixteen board members by the Secretary of DJJ, specifies certain mandatory membership, to include the sheriff, chief of police, state attorney, chief judge, county commissioner, and the superintendent of each school district, or their designees, and provides for additional organizational procedures. **Effective Date: October 1, 2013.**

<http://www.flsenate.gov/Session/Bill/2013/0617/BillText/er/PDF>

House Bill 623 (Ch. 2013-199): Wine; Kegs; Alcoholic Beverages; Off-Premises Consumption; Containers; Crimes and Penalties

This bill alters F.S. 564.05 to provide for the sale of wine in individual containers that hold up to 5.16 gallons. The bill also requires all wine containers sold or offered for sale for consumption off-premises must be in their original, unopened containers, except for as allowed by F.S. 564.09. *Effective Date: January 1, 2013.*

<http://www.flsenate.gov/Session/Bill/2013/0623/BillText/er/PDF>

Senate Bill 628 (Ch. 2013-67): Driver's Licenses; Digital Photographs; Department of Highway Safety and Motor Vehicles (DHSMV); Governmental Agencies; Judges; Courts

This bill amends F.S. 322.142, to define which agencies and persons may access digital photographs of individuals made in the course of business by DHSMV. The bill authorizes judges and certain employees of the state court system access to the digital photographs maintained by DHSMV as part of the official work of the court. Provides that justices or judges may have access without a written directive, however, state court system employees must have a written directive issued by the Chief Justice, a chief judge in the district court, or by the designee of such persons prior to accessing the digital photographs in the DHSMV database. *Effective Date: July 1, 2013.*

<http://www.flsenate.gov/Session/Bill/2013/0628/BillText/er/PDF>

House Bill 685 (Ch. 2013-119): Parole; Prisoners; Parole Commission; Crimes and Penalties

This bill amends F.S. 947.16, 947.174, and 947.1745, regarding parole, by increasing the time between parole interviews from two years to seven years for inmates convicted of kidnapping or attempted kidnapping. The interval is also increased to seven years for inmates convicted of robbery, burglary of a dwelling, burglary of a structure or conveyance, or breaking and entering, (or the attempt to commit any of these offenses) when a human being is present and a sexual act is completed or attempted. *Effective Date: July 1, 2013.*

<http://www.flsenate.gov/Session/Bill/2013/0685/BillText/er/PDF>

House Bill 691 (Ch. 2013-242): Theft; Personal Identification Information; Crimes and Penalties

This bill creates F.S. 817.5685 and defines "personal identification information." The new law provides that it is unlawful for a person to knowingly and intentionally possess the "personal identification information" of another without authorization. Possession of the "personal identification information" of four or fewer people is a misdemeanor of the first degree. If a person is found in knowing and intentional possession of the personal identification information of five or more people, that violation is a felony of the third degree. The bill provides for common sense exceptions and affirmative defenses. *Effective Date: October 1, 2013.*

<http://www.flsenate.gov/Session/Bill/2013/0691/BillText/er/PDF>

House Bill 731 (Ch. 2013-243): Public Records; Spouses; Minors; Law Enforcement Officers; Correctional Officers; Correctional Probation Officers; Agencies; Department of Children and Families; Department of Health; Department of Revenue; State Attorneys; Statewide Prosecutors

This bill amends F.S. 119.071(4) to expand public records exemptions relating to agency personnel information. Under the new law, the names of the spouses and children of active or former sworn or civilian law enforcement personnel, including those of correctional officers and correctional probation officers, are exempt. Also exempt are the names of the spouses and children of personnel of the Department of Children and Families whose duties include investigation of abuse, neglect, exploitation, fraud, theft, or other crimes. The names of the spouses and children of personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect are likewise exempt, as are those of personnel of the Department of Revenue or of local governments whose responsibilities include revenue collection and enforcement or child support enforcement. Also exempted are the names of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors. *Effective Date: October 1, 2013.*

<http://www.flsenate.gov/Session/Bill/2013/0731/BillText/er/PDF>

House Bill 851 (Ch. 2013-245): Animal Cruelty; RICO; Counties; Crimes and Penalties

This bill amends F.S. 828.12 by specifying that a person who commits multiple acts of animal cruelty against one animal or acts of animal cruelty against multiple animals may be charged with a separate offense for each act. The bill specifies that a person who owns or has custody or control of any animal and fails to act commits aggravated animal cruelty if certain injuries or death result from the inaction. Creates F.S. 828.1615 to prohibit specific acts relating to dyeing or artificially coloring certain animals. The bill also prohibits persons from selling, offering for sale, or giving away as merchandising premiums specified fowl or rabbits to be used as pets, toys, or retail premiums and provides for exceptions. A violation of this new section is a second-degree misdemeanor. Amends F.S. 828.27, where certain counties are provided additional approved uses for surcharges assessed on fines for animal control or cruelty violations. The bill also amends F.S. 895.02 by adding illegal animal fighting or baiting as an offense within the definition of the term "racketeering activity" for purposes of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act. *Effective Date: July 1, 2013.*

<http://www.flsenate.gov/Session/Bill/2013/0851/BillText/er/PDF>

House Bill 875 (Ch. 2013-221): Licensed Security Officers; Critical Infrastructure Facilities; Temporary Detention; Impersonating a Security Officer; Unlicensed Activities; Private Investigators; Repossessors; Law Enforcement Officers; Civil Actions; Immunity from Prosecution; Searches and Seizures; Crimes and Penalties

This bill creates F.S. 493.631 to authorize an on-duty uniformed security officer or security agency manager at a critical infrastructure facility, having probable cause to believe that a person has committed or is committing a crime against the client operating the premises or the client's patron, to temporarily detain the person to ascertain identity and the circumstances of the person's activity. A "critical infrastructure facility" includes a refinery, a natural gas, chemical, electrical or water facility or wastewater treatment plant, a telecommunications central switching office, a deepwater port, or a railroad switching yard, provided the facility

employs measures such as fences, barriers, or guard posts to exclude unauthorized persons. If a security officer or security agency manager perceives that the detained person is armed and poses a threat, the security officer or security agency manager is authorized to search the detainee and seize any firearm, weapon or destructive device. The temporary detention is authorized until a law enforcement officer arrives. The person must be held in the place where first detained or in the immediate vicinity. The bill provides specified criminal and civil immunity to a law enforcement officer, security officer or security agency manager detaining a person in conformance with the statute. It also amends F.S. 493.6120 to make the first offense of engaging in the unlicensed practice of private investigative, private security, or repossession services a first-degree misdemeanor. Second or subsequent violations are a third-degree felony and also subject the violator to up to \$10,000 in civil fines. An unlicensed person impersonating a security officer, private investigator or recovery agent, who knowingly and intentionally forces another person to assist in the unlicensed activity, commits a third-degree felony. If an unlicensed impersonator commits this violation during the course of committing a felony, it is a second-degree felony. If an unlicensed impersonator commits this violation during the course of committing a felony that results in death or serious bodily injury to another human being, it is a first-degree felony. **Effective Date: July 1, 2013.**

<http://www.flsenate.gov/Session/Bill/2013/0875/BillText/er/PDF>

House Bill 903 (Ch. 2013-246): Squatters; Adverse Possession; Trespass; Theft; Crimes and Penalties

This bill amends F.S. 95.18 to address the issue of persons illegally squatting in residential structures, but continues to recognize lawful means to take title to real property through adverse possession. The bill adds new prerequisites for adverse possession including the requirement that the adverse possessor pay all outstanding taxes against the property within one year of entering into possession. A person occupying, or attempting to occupy, a residential structure solely by claim of adverse possession but without complying with the statutory prerequisites for filing a return for adverse possession with the property appraiser commits a criminal trespass under F.S. 810.08. A person occupying, or attempting to occupy, a residential structure solely by claim of adverse possession but without complying with the statutory prerequisites for filing a return for adverse possession with the property appraiser and offers the property for lease to another person commits a theft under F.S. 812.014. A person who attempts to occupy a residential structure by claim of adverse possession before filing a return commits a trespass under F.S. 810.08. **Effective Date: July 1, 2013.**

<http://www.flsenate.gov/Session/Bill/2013/0903/BillText/er/PDF>

House Bill 953 (Ch. 2013-247): Arrest Warrants; Search Warrants; Electronic Signatures; E-Warrants; Searches and Seizures; Courts

This bill amends F.S. 901.02 and F.S. 933.07 to authorize electronic application for an arrest warrant or search warrant if the application is supported by the affiant's oath or affirmation, bears the affiant's electronic signature and is submitted to the court by reliable electronic means. The bill authorizes judges to electronically issue arrest warrants and search warrants. A warrant is deemed issued when the judge affixes the judge's signature, or electronic signature, to the warrant. Incorporates the definition of "electronic signature" in F.S. 933.40. Also amends requirements for issuance of an arrest warrant in F.S. 901.02, to specify that a

judge must review the complaint and all proofs submitted to determine if probable cause exists for any crime committed within the court's jurisdiction. **Effective Date: July 1, 2013.**

<http://www.flsenate.gov/Session/Bill/2013/0953/BillText/er/PDF>

Senate Bill 964 (Ch. 2013-132): Sexual Battery; Parental Rights; Minors; Courts

This bill amends F.S. 39.806 to provide additional grounds for the termination of parental rights, to include when a child is conceived as a result of a sexual battery. A petition for termination of parental rights may be filed at any time. The court must find that that the child was conceived as a result of an act of sexual battery by clear and convincing evidence. The bill creates the presumption that termination of parental rights is in the best interest of the child if the child was conceived as the result of a sexual battery. The bill mandates that the courts must accept a guilty plea or conviction of sexual battery as conclusive proof that the child was conceived by a violation of criminal law. **Effective Date: July 1, 2013, and applies to all unlawful acts of sexual battery occurring before, on, or after that date.**

<http://www.flsenate.gov/Session/Bill/2013/0964/BillText/er/PDF>

House Bill 975 (Ch. 2013-204): Archeological Sites and Specimens; Department of State Division of Historical Resources; Crimes and Penalties

This bill amends F.S. 267.12 and F.S. 267.13 by adding definitions and descriptions of various archaeological activities. Amends F.S. 267.13, to provide that specified activities relating to archaeological sites and specimens located upon land owned by a water authority are prohibited and subject to criminal prosecution. The bill authorizes the Division of Historical Resources to impose an administrative fine on and seek injunctive relief against certain entities which violate this section. **Effective Date: July 1, 2013.**

<http://www.flsenate.gov/Session/Bill/2013/0975/BillText/er/PDF>

House Bill 1075 (Ch. 2013-248): Public Records; Employee Misconduct; Agencies; Agency Investigations; Confidential and Exempt Records

Amends F.S. 119.071(2) by expanding the public records exemptions for governmental agency investigations. Under the new law, a complaint of misconduct filed with an agency against an agency employee, together with all information obtained pursuant to an agency investigation of the complaint is confidential and exempt. The records remain confidential and exempt until the investigation ceases to be active, or until the agency notifies the employee in writing that it has concluded the investigation with a finding not to proceed with disciplinary action or file charges, or that it has concluded the investigation with a finding to proceed with disciplinary action or file charges. **Effective Date: July 1, 2013.**

<http://www.flsenate.gov/Session/Bill/2013/1075/BillText/er/PDF>

House Bill 1129 (Ch. 2013-121): Infants; Abortions; Health Care Practitioners; Duty to Report; Department of Health; Crimes and Penalties

The bill amends F.S. 390.0111, defining the term "born alive"; providing an infant born alive during or after an attempted abortion is entitled to the rights, powers, and privileges enjoyed by any other child born alive in the course of natural birth. The bill provides that health care

practitioners must act to preserve the life of an infant born during an abortion and to transport the child to a hospital for further care. The bill also requires a health care practitioner or certain other employees to report violations of these procedures to the Department of Health. A violation is a misdemeanor of the first degree. F.S. 390.0112 is amended to revise the reporting requirement for facilities that perform abortions. ***Effective Date: July 1, 2013.***

<http://www.flsenate.gov/Session/Bill/2013/1129/BillText/er/PDF>

House Bill 1159 (Ch. 2013-153): Department of Health; Prescription Drug Monitoring Program; Controlled Substances

The bill appropriates \$500,000 in nonrecurring General Revenue funds to the Department of Health for the general administration of the Florida Prescription Drug Monitoring Program. The bill also contains other provisions relating to specialty-licensed hospitals and skilled nursing facilities. ***Effective Date: June 7, 2013.***

<http://www.flsenate.gov/Session/Bill/2013/1159/BillText/er/PDF>

House Bill 1173 (Ch. 2013-208): "Florida Communications Fraud Act" (CFA); Communications Fraud; Fraud; Statute of Limitations; Civil Actions; Crimes and Penalties

This bill amends F.S. 817.034 by adding a statute of limitations to the "Communication Fraud Act" (CFA). Now, any criminal or civil action under the CFA must commence within five years after the cause of action accrues. However, in criminal cases, the statute of limitations is tolled during any time that the defendant is continuously absent from the state or is without a reasonably ascertainable place of abode or work within the state. The statute of limitations may only be tolled for up to one year. Previously, the CFA did not have an enumerated statute of limitations. The bill also moves the felony offense of communications fraud with a value of \$50,000 or more from a Level 6 offense to a Level 7 offense in the offense severity ranking chart. ***Effective Date: October 1, 2013.***

<http://www.flsenate.gov/Session/Bill/2013/1173/BillText/er/PDF>

House Bill 1309 (Ch. 2013-154): Public Records; Exemptions/Confidentiality; Contractors; Agencies; Counties

This bill creates F.S. 119.0701 to require a state or local public agency that contracts for services with a private contractor to include provisions in the contract requiring the contractor to comply with public records laws. Specifically, the contractor must agree to keep and maintain public records that would be required by the public agency in order to perform the service, provide public access to these records in the same manner as a public agency, protect exempt or confidential records from disclosure, meet public records retention requirements, and at the end of the contract, transfer all public records to the public agency and destroy any duplicate exempt or confidential public records. The bill also includes several additional revisions to statutes governing state financial assistance agreements, state agency procurement and contracting, grants, audits and accountability.

<http://www.flsenate.gov/Session/Bill/2013/1309/BillText/er/PDF>

House Bill 1325 (Ch. 2013-98): Human Trafficking; Victims; Expunction/Records; Courts; Department of Law Enforcement (FDLE); Law Enforcement Agencies; State Attorneys; Evidence; Minors; Crimes and Penalties

This bill creates F.S. 943.0583 and provides for court-ordered expunction of convictions for offenses committed while the person was a victim of human trafficking and as a part of the human trafficking scheme of which he or she was a victim. Such expunctions are not available for any of the serious or violent felony offenses listed in F.S. 775.084(1)(b)1. If a court grants an expunction, the court clerk is required to certify copies to the state attorney or the statewide prosecutor, the arresting agency, and to any other agency that has received the criminal history record from the court. The arresting agency must forward the order to any other agency listed in the court order to which the arresting agency disseminated the criminal history record. FDLE is required to forward the order to the Federal Bureau of Investigation. The bill provides that all criminal justice agencies with custody of the expunged record, except FDLE, are to physically destroy the record. A human trafficking victim granted an expunction may lawfully deny the arrests covered by the expunged record, except when a candidate for employment with a criminal justice agency or a defendant in a criminal prosecution. Knowingly providing false information on a sworn statement to the court as part of a petition for a human trafficking victim expunction is a third-degree felony. The bill also amends F.S. 90.803(23) regarding the admissibility in court of a hearsay statement of a child victim. The new law raises the physical, mental, emotional, or developmental age of the child making the statement from 11 to 16 years. ***Effective Date: January 1, 2014, except that FDLE or any other criminal justice agency is not required to comply with an order to expunge a criminal history record before March 1, 2014.***

<http://www.flsenate.gov/Session/Bill/2013/1325/BillText/er/PDF>

House Bill 1327 (Ch. 2013-99): Public Records; Exemptions; Victims; Human Trafficking

This bill amends F.S. 943.0583 (Ch. 2013-98), by creating new subsection (9) that provides an exemption from public records requirements for criminal history records of victims of human trafficking that were expunged under F.S. 943.0583. The bill provides for exceptions for criminal justice agencies for their respective criminal justice purposes and for disclosure pursuant to a court order. ***Effective Date: January 1, 2014***

<http://www.flsenate.gov/Session/Bill/2013/1327/BillText/er/PDF>

House Bill 1355 (Ch. 2013-249): Firearms Purchases; Mentally-Ill Persons; "Baker Act"; Courts; Florida Department of Law Enforcement

This bill amends F.S. 790.065 by expanding the definition of "committed to a mental institution" as a disqualifier for firearms sales or concealed firearms permits, to include persons who have had an involuntary examination under the "Baker Act" but then voluntarily admitted themselves for outpatient or inpatient treatment. Such persons are considered to have been "committed to a mental institution" if an examining physician found that the person was an imminent danger to himself or herself or others and certified that if the person did not agree to voluntary treatment, a petition for involuntary outpatient or inpatient treatment would have been filed, or the examining physician certified that a petition was filed and the person subsequently agreed to voluntary treatment prior to a court hearing on the petition. The bill requires that there must be evidence that, before agreeing to voluntary treatment, the person received written notice of

the physician's finding and certification, and written notice that as a result of such finding, he or she may be prohibited from purchasing a firearm, and may not be eligible to apply for or retain a concealed weapon or firearms license, and the person acknowledged the notice in writing. A judge must review the record classifying the person as an imminent danger to himself or herself or others. If the judge finds that it is supported by the evidence, the record must be submitted to FDLE within 24 hours. **Effective Date: July 1, 2013.**

<http://www.flSenate.gov/Session/Bill/2013/1355/BillText/er/PDF>

House Bill 1393 (Ch. 2013-211): Plastic Bulk Merchandise Containers; Crimes and Penalties

This bill creates F.S. 506.265 which requires a purchaser of five or more plastic bulk merchandise containers from one seller to obtain from the seller proof of ownership of the containers, to maintain a specified transaction record of the sale, verify the seller's identity by a valid driver's license or other government-issued photo identification, to maintain a copy of the seller's identification, and pay for the containers by means other than cash. A plastic bulk merchandise container buyer in violation of the statutory requirements in a transaction valued at \$10,000 or less, commits a first-degree misdemeanor. Violations involving transactions valued in excess of \$10,000 are third-degree felonies. **Effective Date: October 1, 2013.**

<http://www.flSenate.gov/Session/Bill/2013/1393/BillText/er/PDF>

Senate Bill 1410 (Ch. 2013-183): Fire Safety and Prevention; State Fire Marshal; Impersonating Officers; Law Enforcement Agencies; Firefighters; Crimes and Penalties

This 224-page bill provides for amendments to various portions of F.S. Chapter 633 dealing with firefighters, volunteer firefighters, the State Fire Marshal, and various contractors. The bill provides for renumbering many of the sections dealing with fire prevention. The bill provides that in the event of a fire or explosion which results in property damage or destruction within any municipality, county, or special district having an organized fire department, law enforcement is authorized to conduct the initial investigation. If the jurisdiction lacks an organized fire department or designated arson investigations unit within the local law enforcement agency, the State Fire Marshal may conduct the investigation. The bill amends F.S. 633.122 to criminalize, as a third-degree felony, false impersonation of a firefighter or volunteer firefighter and to clarify the manner in which a person falsely impersonates an agent of the State Fire Marshal, a firefighter, volunteer firefighter or a fire safety inspector. If the impersonation occurs during the commission of a separate felony the person commits a first-degree felony. Pursuant to renumbered F.S. 633.124, it is a misdemeanor to intentionally and willfully disable a fire protection system, tamper with fire safety equipment, refuse to obey a cease and desist order, or to permit others to use a certificate, license or permit not issued to them. **Effective Date: July 1, 2013.**

<http://www.flSenate.gov/Session/Bill/2013/1410/BillText/er/PDF>

House Bill 7005 (Ch. 2013-212): Massage Establishments; Counties; Municipalities; Crimes and Penalties

This bill creates F.S. 480.0475, which prohibits massage establishments to operate between the hours of midnight and 5:00 a.m., unless the massage establishment is located on the premises

of a health care clinic, hotel, motel, bed and breakfast, timeshare property, public airport, or pari-mutuel facility, as defined by Florida Statutes. The prohibition does not apply to a massage performed by a massage therapist acting under the prescription of a licensed physician, osteopathic physician, chiropractic physician, podiatric physician, advanced registered nurse practitioner, dentist, or physician's assistant. The bill also provides for an exception for operating during a special event if approved by the county or municipality in which the establishment operates. The bill prohibits a massage establishment from being used as a principal domicile unless the establishment is also zoned for residential use. The bill provides for the creation of a first-degree misdemeanor for any violation of this section, and a third-degree felony for any second or subsequent violation. Additionally, a massage establishment licensee or license applicant may also be disciplined or denied a license if the establishment advertises to engage or attempts to engage a patron in unlawful sexual misconduct. **Effective Date: October 1, 2013.**

<http://www.flsenate.gov/Session/Bill/2013/7005/BillText/er/PDF>

House Bill 7015 (Ch. 2013-107): Expert Witnesses; *Daubert* Standard; *Frye* Standard; Evidence; Courts

This bill amends F.S. 90.702 and abolishes the *Frye* standard currently used in Florida courts relating to expert testimony and adopts the *Daubert* standard used by federal courts. Under the *Frye* standard related to expert testimony, the court looks to whether the underlying principles of evidence are generally accepted within the scientific community. This standard was supplanted in federal court after the United States Supreme Court decided *Daubert v. Merrell Dow Pharmaceuticals* in 1993, and Rule 702 of the Federal Rules of Evidence was subsequently amended in 2000 to reflect the decision. Under the *Daubert* standard related to expert testimony, the court must look to a three-part test to determine if (1) the expert's testimony is based on sufficient facts or data, (2) the expert's testimony is the product of reliable principles and methods, and (3) if the expert has applied the principles and methods reliably to the facts of the case. The bill also provides that inadmissible evidence, facts, or data may not be disclosed to a jury by opinion or inference of the expert witness unless the court determines that their probative value in assisting the jury to evaluate the expert's opinion substantially outweighs their prejudicial effect. **Effective Date: July 1, 2013.**

<http://www.flsenate.gov/Session/Bill/2013/7015/BillText/er/PDF>

House Bill 7023 (Ch. 2013-251): Department of Agriculture and Consumer Services; Licensure; Fraudulent Training Certificates; Private Investigative Services; Private Security Services; Repossession Services; Crimes and Penalties

This 61-page bill makes several amendments to the regulatory authority of the Florida Department of Agriculture and Consumer Services. The bill also amends F.S. 493.6120 to make it unlawful to knowingly possess, issue, cause to be issued, sell, submit, or offer, a fraudulent training certificate or proficiency form that declares an applicant for private investigative, security or repossession services licensure to have successfully completed training required for licensure that the person knew, or reasonably should have known, was fraudulent. Violation is a third-degree felony. **Effective Date: July 1, 2013.**

<http://www.flsenate.gov/Session/Bill/2013/7023/BillText/er/PDF>

House Bill 7035 (Ch. 2013-214): Pretrial Detention; Sexual Offenders and Sexual Predators; Prison Releasee; Reoffender; Habitual Violent Felony Offender; Violent Career Criminal; Pretrial Release; Courts; Crimes and Penalties

This bill amends F.S. 903.046, requiring a court, for purposes of pretrial release, to determine whether a criminal defendant is required to register as a sexual offender or sexual predator. If so, the defendant is not eligible for release on bail or surety bond until the first appearance in the case. This requirement does not apply in cases where the only criminal charge is a misdemeanor offense under F.S. Chapter 316. The bill also adds to a court's discretion in ordering pretrial detention in cases where the defendant: (1) has previously been sentenced, or the state attorney files notice seeking to sentence the defendant as a prison releasee, reoffender, habitual violent felony offender, or violent career criminal; (2) there is substantial probability that the defendant committed the offense; and (3) there are no conditions of release that can reasonably protect the community from risk of physical harm or ensure the defendant's presence at trial. *Effective Date: July 1, 2013.*

<http://www.flsenate.gov/Session/Bill/2013/7035/BillText/er/PDF>

House Bill 7059 (Ch. 2013-1): Driver's Licenses; International Driver's Licenses; Non-Residents

This bill addresses driver's license requirements for non-residents in Florida, and revises a recent change to F.S. 322.04 from the 2012 legislative session. The bill reverts F.S. 322.04 to the pre-2012 requirements that non-residents at least sixteen (16) years of age or older, driving a non-commercial vehicle in Florida, must have a valid driver's license from either their home state or country. The bill removes the additional requirement, created by legislation from 2012, that non-residents from a foreign country possess an International Driving Permit in addition to a valid driver's license from their home country. *Effective Date: January 1, 2013.*

<http://www.flsenate.gov/Session/Bill/2013/7059/BillText/er/PDF>

House Bill 7083 (Ch. 2013-216): "Timely Justice Act"; Death Penalty; Executions; Capital Collateral Regional Counsel; Records Repository; Postconviction Process; Death Warrants; Governor; Attorney General; Department of Corrections; State Attorneys; Law Enforcement Agencies; Prisoners; Public Records

This bill amends numerous statutes related to capital cases. Among them, the bill reestablishes the Capital Collateral Regional Counsel in the northern region of the state and increases the minimum qualifications of contract attorneys to include capital trial experience rather than merely jury trial experience. The bill prohibits contracted attorneys from representing more than ten defendants in capital postconviction litigation at once. Contracted attorneys and attorneys employed by the state are also prohibited from representing persons charged with capital offenses at trial, persons on appeal, or persons sentenced to death in postconviction proceedings if, at least two times, a court in a capital postconviction proceeding determined that the attorney provided constitutionally deficient representation and relief was granted. This prohibition will last for five years from the time that relief is granted in the second determination.

The bill creates new timetables for the Attorney General, the State Attorney, the Department of Corrections, and law enforcement agencies, upon the Florida Supreme Court's issuance of a mandate affirming a sentence of death, to copy and deliver all public records related to a case

in the records repository. The bill also creates reporting requirements holding courts accountable for delays in the postconviction process. Finally, the bill creates a new method for issuing death warrants, wherein the Governor will be capable of issuing a warrant for execution after receiving notice from the clerk of the Florida Supreme Court that persons convicted and sentenced to death have completed their direct appeal and initial postconviction proceedings in state court and habeas corpus proceeding and appeal therefrom in federal court, or have allowed the time permitted for filing a federal habeas petition to expire. **Effective Date: July 1, 2013.**

<http://www.flsenate.gov/Session/Bill/2013/7083/BillText/er/PDF>

House Bill 7087 (Ch. 2013-226): Department of Agriculture and Consumer Services; Florida Forest Service; Open Burning; Wildfires; Crimes and Penalties

This 86-page bill addresses numerous issues concerning the Florida Forest Service of Department of Agriculture and Consumer Services including amendments to F.S. 590.125 regarding authorized open burning and the requirements for authorized broadcast or pile burning. Broadcast or pile burning in violation of these requirements is a second-degree misdemeanor. The bill also amends F.S. 590.25 and provides that obstructing a Florida Forest Service employee, or any other person engaged in the prevention, detection, or suppression of wildfires is a third-degree felony. **Effective Date: June 28, 2013.**

<http://www.flsenate.gov/Session/Bill/2013/7087/BillText/er/PDF>

House Bill 7125 (Ch. 2013-160): Department of Highway Safety and Motor Vehicles; Traffic Signals; Motor Vehicles; Proof of Insurance; Electronic Devices; Ignition Interlock Devices; Blood Alcohol Levels; Driver's Licenses; Identification Cards; Swiping; Commercial Motor Vehicles; Texting; Telephones; Driving Under the Influence; Courts; Specialty License Plates; Law Enforcement Officers; Crimes and Penalties

Among other provisions, this 226-page bill amends F.S. 316.0083 and clarifies that a notice of violation and a traffic citation may not be issued if a driver turning right at a red light came to a complete stop after crossing the stop line and before turning, even though the driver failed to stop before crossing the stop line. It also amends F.S. 316.650(3)(c) and specifies that when a violator requests a hearing on a citation, the traffic infraction enforcement officer must provide a replica of the notice of violation data to the clerk within 14 days. This bill creates F.S. 316.081(3) which provides that, on a roadway having two or more lanes of travel in the same direction, a driver may not drive in the furthestmost left-hand lane at more than 10 miles per hour slower than the speed limit if the driver knows or reasonably should know that that an overtaking vehicle traveling at higher speed is approaching from the rear. The bill incorporates exceptions for a driver overtaking and passing another vehicle or preparing for a left turn at an intersection. Violation is a noncriminal traffic infraction. It also amends F.S. 316.1937 concerning Ignition Interlock Devices (IIDs) by lowering the maximum blood alcohol level at which an IID will allow a vehicle to start from 0.05 to 0.025. The bill amends F.S. 316.3025 and provides for civil fines and commercial license sanctions for texting or using a handheld mobile telephone while operating a commercial motor vehicle, subject to emergency exceptions enumerated in the bill. It also bill amends F.S. 316.646 to authorize motorists to provide proof of insurance by presenting a law enforcement officer with an electronic device displaying such proof of insurance in an electronic format. The law specifies that a motorist's act of presenting

an electronic device to demonstrate proof of insurance is not deemed consent for the officer to access any other information on the device. The motorist assumes any risk of damage to the device. The bill creates F.S. 322.143 and provides that a private entity may not swipe a person's driver's license or identification card, except for specific purposes listed in the bill. A private entity may not store, sell or share the information except to prevent fraud or other criminal activity. Individuals may consent to sell this information but must be informed of what information is collected and how this information will be stored and used. A private entity may not refuse the sale of goods or services as a result of the individual requesting the collection of the data through manual means. A private entity that violates this section may be subject to a civil penalty of \$5,000, per occurrence. The bill amends F.S. 322.28, F.S. and clarifies that convictions for driving under the influence occurring on the same day as a result of DUI offenses that were committed on separate dates, are separate (as opposed to a single) DUI convictions. The offense committed earlier is deemed the prior conviction. The bill creates new "Operation Desert Storm" and "Operation Desert Shield" military license plates for veterans and establishes specialty license plates for the American Legion, Lauren's Kids and Big Brothers Big Sisters. **Effective Date: July 1, 2013.**

<http://www.flsenate.gov/Session/Bill/2013/7125/BillText/er/PDF>

House Bill 7129 (Ch. 2013-219): Florida Abuse Hotline; Minors; Child Abuse; Department of Children and Families (DCF); Sheriffs; Law Enforcement Agencies
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This bill revises F.S. 39.201(1) concerning mandatory reporting of known or reasonably suspected abuse of a child by an adult to the Florida Abuse Hotline of the Department of Children and Families (DCF). To eliminate the potential for "circular reporting", an officer or employee of a law enforcement agency is not required to "re-report" suspected abuse back to the Hotline when the incident under investigation was referred to law enforcement by the Hotline, through the electronic transfer of the report or call, and in the course of carrying out official duties. Similarly, DCF Hotline personnel are not required to electronically transfer calls and reports of suspected abuse to the sheriff's office if the matter was initially reported to the Hotline by the county sheriff's office or another law enforcement agency in the course of carrying out official duties. **Effective Date: July 1, 2013.**

<http://www.flsenate.gov/Session/Bill/2013/7129/BillText/er/PDF>

**Bills of Interest to Florida Law Enforcement Passed in the 2013 Legislative Session
Vetoed by the Governor**

HB 235 Requirements for Driver's Licenses (Vetoed on June 4, 2013)

HB 725 Public Records/State Child Abuse Death Review Committee (Vetoed on June 12, 2013)

SB 1420 Mental Health/Competency (Vetoed on June 12, 2013)

HB 1411 Pinellas Police Standards Council (Vetoed on June 28, 2013)

**Bills of Interest to Florida Law Enforcement Passed in the 2013 Legislative Session
Chapter Number/Effective Date Report**

Chapter Number	Bill Number	Type	Effective Date	Subject
2013-1	H 7059	General Bill	4/2/2013	Driver Licensing
2013-2	H 0155	General Bill/CS	4/10/2013	Prohibition of Electronic Gambling Devices
2013-19	H 0015	General Bill	10/1/2013	Funerals and Burials
2013-26	H 0239	General Bill/CS	7/1/2013	Practice of Optometry
2013-29	S 0294	General Bill/CS	4/24/2013	Controlled Substances
2013-30	S 0338	General Bill	10/1/2013	Theft of Utility Services
2013-33	S 0092	General Bill/CS	7/1/2013	Searches and Seizures
2013-36	S 0002	General Bill/CS	5/1/2013	Ethics
2013-37	H 0569	General Bill/CS	11/1/2013	Campaign Finance
2013-38	S 0004	Public Records/ General Bill/CS	5/1/2013	Public Records and Meetings/Commission on Ethics
2013-58	S 0052	General Bill/CS	10/1/2013	Use of Wireless Communications Devices While Driving
2013-62	S 0056	General Bill/CS	7/1/2013	Infant Death
2013-67	S 0628	General Bill	7/1/2013	Driver Licenses
2013-74	H 0093	General Bill/CS	7/1/2013	Homelessness
2013-75	H 0113	General Bill/CS	10/1/2013	Distribution of Materials Harmful to Minors
2013-80	H 0407	General Bill	10/1/2013	Criminal Gang Prevention
2013-85	H 0487	General Bill/CS	10/1/2013	Specialty License Plates/Freemasonry
2013-86	H 0571	General Bill/CS	5/30/2013	Marshal of Supreme Court
2013-98	H 1325	General Bill	1/1/2014	Human Trafficking Victims
2013-99	H 1327	Public Records/ General Bill/CS	1/1/2014	Pub. Rec./Crim. Hist./Human Trafficking Victims
2013-107	H 7015	General Bill	7/1/2013	Expert Testimony
2013-111	H 0049	General Bill/CS	7/1/2013	Drug Paraphernalia
2013-112	H 0311	General Bill/CS	7/1/2013	Costs of Prosecution, Investigation, and Representation
2013-114	H 0489	General Bill/CS	7/1/2013	Railroad Police Officers
2013-116	H 0585	General Bill/CS	7/1/2013	Law Enforcement
2013-117	H 0611	General Bill/CS	10/1/2013	False Reports to Law Enforcement Officers
2013-118	H 0617	General Bill/CS	10/1/2013	Department of Juvenile Justice
2013-119	H 0685	General Bill	7/1/2013	Parole Interview Dates for Certain Inmates
2013-121	H 1129	General Bill/CS	7/1/2013	Infants Born Alive
2013-126	S 0390	General Bill/CS	7/1/2013	Veterans' Organizations
2013-132	S 0964	General Bill/CS	7/1/2013	Termination of Parental Rights
2013-136	H 0077	General Bill/CS	7/1/2013	Landlords and Tenants

2013-138	H 0171	General Bill/CS	7/1/2013	Disposition of Human Remains
2013-153	H 1159	General Bill/CS	6/7/2013	Health Care
2013-154	H 1309	General Bill/CS	7/1/2013	Public Records/Governmental Accountability
2013-160	H 7125	General Bill/CS	7/1/2013	Department of Highway Safety & Motor Vehicles
2013-161	S 0062	General Bill/CS	7/1/2013	Low-speed Vehicles
2013-171	S 0454	General Bill/CS	7/1/2013	Florida College System Institution Police Officers
2013-183	S 1410	General Bill/CS	7/1/2013	Fire Safety and Prevention
2013-192	H 0247	General Bill/CS	10/1/2013	Paper Reduction
2013-196	H 0361	Public Records/ General Bill/CS	7/1/2013	Public Meetings/Criminal Justice Commissions
2013-199	H 0623	General Bill/CS	7/1/2013	Wine
2013-204	H 0975	General Bill/CS	7/1/2013	Archeological Sites and Specimens
2013-208	H 1173	General Bill/CS	10/1/2013	Florida Communications Fraud Act
2013-211	H 1393	General Bill/CS	10/1/2013	Agricultural Storage and Shipping Containers
2013-212	H 7005	General Bill/CS	10/1/2013	Massage Establishments
2013-214	H 7035	General Bill	7/1/2013	Pretrial Detention
2013-216	H 7083	General Bill/CS	7/1/2013	Death Penalty
2013-219	H 7129	General Bill/CS	7/1/2013	Residential Services for Children
2013-221	H 0875	General Bill	7/1/2013	Licensed Security Officers
2013-226	H 7087	General Bill/CS	6/28/2013	Department of Agriculture and Consumer Services
2013-228	S 0112	General Bill/CS	10/1/2013	Filing False Documents Against Real or Personal Property
2013-242	H 0691	General Bill/CS	10/1/2013	Personal Identification Theft
2013-243	H 0731	Public Records/ General Bill/CS	10/1/2013	Pub. Rec./Spouses & Children of Law Enforcement & Agency Personnel
2013-245	H 0851	General Bill/CS	7/1/2013	Animal Cruelty
2013-246	H 0903	General Bill/CS	7/1/2013	Adverse Possession
2013-247	H 0953	General Bill/CS	7/1/2013	Warrants
2013-248	H 1075	Public Records/ General Bill/CS	7/1/2013	Public Records
2013-249	H 1355	General Bill/CS	7/1/2013	Firearms/Purchase of by Mentally Ill Persons
2013-251	H 7023	General Bill/CS	7/1/2013	Department of Agriculture and Consumer Services

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