

**2002 LEGISLATIVE SUMMARY
LAWS OF INTEREST TO FLORIDA LAW ENFORCEMENT**

As a convenience to the law enforcement community, we have posted the final summaries of bills that have been passed by the legislature. The Governor vetoed SB 160, SB 176, and SB 1554 that were included in earlier online summaries.

This Legal Bulletin contains brief summaries of most laws passed by the 2002 Florida Legislature during the Regular Session and Special Session "E" that are of interest to the Florida law enforcement community, as well as all of the terrorism-related bills passed during the 2001 Special Session "C." All of the terrorism-related bills are summarized at the beginning of this document. In addition to the summaries of the laws, you will find an index at the end of this document to help you locate laws by subject, tables to help you cross-reference bill numbers to their chapter law numbers, and indications of the laws' effective dates.

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

The Summary includes Internet "hot links" 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, you can use each "link" to access bills of interest. You will need the Adobe Acrobat reader to read the bills. Since we are providing links to the text of the bills, our summaries are less detailed than in the past and we have not discussed every element of every law. *Do not rely solely on our summary for a complete understanding of a bill of interest!* Law enforcement officers should check with their chain of command and agency legal advisors to determine the effect specific legislation will have upon agency operations and policies. If you have any suggestions or comments, please feel free to contact me.

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

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

**Department of State
Bureau of Administrative Code**

107 West Gaines Street, The Collins Building
Tallahassee, FL 32399-0250
(850) 245-6270 {SunCom 205-6270}

House Documents Office

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

Senate Documents Office

Room 304, The Capitol
Tallahassee, FL 32399-1100
(850) 487-5285 {SunCom 277-5285}

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2002 AND 2002 "E" LEGISLATIVE SUMMARY
AND
2001 SPECIAL SESSION "C" BILLS

TERRORISM-RELATED BILLS PASSED SINCE 9/11/2001

Senate Bill 6-C (Chapter 2001-356): Terrorism; Florida Criminal Code; Pretrial Detention; Aircraft Piracy; Home Invasion Robbery; Crimes and Penalties

Creates F.S. 775.30 that defines "terrorism" for purposes of the Florida Criminal Code. The definition of terrorism that applies to this bill and others passed during Special Session "C" reads: "...the term "terrorism" means an activity that: (1)(a) Involves a violent act or an act dangerous to human life which is a violation of the criminal laws of this state or of the United States; or (b) Involves a violation of s. 815.06 ("Offenses against computer users"); and (2) Is intended to: Intimidate, injure, or coerce a civilian population; Influence the policy of a government by intimidation or coercion; or Affect the conduct of government through destruction of property, assassination, murder, kidnapping, or aircraft piracy. Also amends F.S. 907.041(4)(a) by adding persons charged with an act of terrorism, aircraft piracy, or home invasion robbery to the list of "dangerous crimes" that affect the pretrial detention rights of the criminal subject. **Effective Date: December 10, 2001.**

<http://www.leg.state.fl.us/data/session/2001C/Senate/bills/billtext/pdf/s0006Cer.pdf>

Senate Bill 8-C (Chapter 2001-357): Sentencing; Terrorism; Felony Murder; Crimes and Penalties

Creates F.S. 775.31 that provides for reclassification of and increased penalties for specified felony and misdemeanor offenses, the commission of which facilitated or furthered any act of terrorism. Defines the term "terrorism" in F.S. 782.04 in the same manner as was done in SB 6-C. Also amends F.S. 782.04 by including "any felony that is act of terrorism or is in furtherance of act of terrorism" as a qualifying offense under felony murder provisions. Creates, in F.S. 782.04, the crime of felony murder involving any felony that is

act of terrorism or is in furtherance of act of terrorism. **Effective Date: December 10, 2001.**

<http://www.leg.state.fl.us/data/session/2001C/Senate/bills/billtext/pdf/s0008Cer.pdf>

Senate Bill 10-C (Chapter 2001-358): Poisoning; Crimes and Penalties

Revises F.S. 859.01, the first-degree felony offense for poisoning food or water. It is now a violation to introduce, add, or mingle any poison, bacterium, radioactive material, virus, chemical compound, or specified products into food, drink, medicine, or water systems under listed circumstances. **Effective Date: December 10, 2001.**

<http://www.leg.state.fl.us/data/session/2001C/Senate/bills/billtext/pdf/s0010Cer.pdf>

Senate Bill 12-C (Chapter 2001-359): Security of Communications; Terrorism; Wiretap; Aircraft Piracy; Solicitation

Revises F.S. 934.07 by adding aircraft piracy to the list of crimes for which interception of communications may be authorized. Also adds solicitation to commit certain offenses to the list of crimes in the same section of law for which interception of communications may be authorized. FDLE is permitted to seek an order authorizing interception of communications in cases involving evidence of an act of terrorism. Also defines the term "terrorism" in the same way as other bills passed during this Special Session. Amends F.S. 934.09 to permit a judge, in investigations of acts of terrorism, to authorize continued interception anywhere within the state of wire, oral, or electronic communications under specified conditions. (NOTE: See HB 1439 summary from the 2002 Session.) **Effective Date: December 10, 2001.**

<http://www.leg.state.fl.us/data/session/2001C/Senate/bills/billtext/pdf/s0012Cer.pdf>

Senate Bill 14-C (Chapter 2001-360): Pesticides; Aircraft; Department of Agriculture and Consumer Services

Authorizes the Department of Agriculture and Consumer Services (DACS) to adopt rules establishing requirements governing aircraft used for aerial application of pesticides and requirements governing storage of pesticides & fertilizers. Allows DACS to adopt rules establishing requirements governing aircraft used for aerial application of seed. Also requires DACS to report to the Legislature on the implementation of any rule adopted as authorized by the act, etc. Amends F.S. 487.051, F.S. 570.07, F.S. 576.181, and F.S. 578.11. **Effective Date: December 10, 2001.**

<http://www.leg.state.fl.us/data/session/2001C/Senate/bills/billtext/pdf/s0014Cer.pdf>

Senate Bill 16-C (Chapter 2001-361): Security System Plans; Terrorism; Governmental Agencies; Public Records; Public Meetings

Creates F.S. 119.071 that exempts from public records inspection or copying a security-system plan or portion thereof for any property owned by or leased to the state or any of its political subdivisions or for any privately owned or leased property. Such information may be released to another governmental agency to prevent or guard against terrorism. Also creates F.S. 286.0113, providing for exemption from public-meeting requirements for those portions of any meeting which would reveal a security-system plan or portion thereof which is confidential and exempt under this act. **Effective Date: December 10, 2001.**

<http://www.leg.state.fl.us/data/session/2001C/Senate/bills/billtext/pdf/s0016Cer.pdf>

Senate Bill 18-C (Chapter 2001-362): Hospitals; Emergency Plans; Terrorism; Governmental Agencies; Public Records; Public Meetings

Creates F.S. 395.1056 that provides an exemption from public records requirements for those portions of a comprehensive emergency-management plan that address the response of a public or private hospital to an act of terrorism. Such information may be released to another governmental agency to prevent or guard against terrorism. Also creates an exemption for those portions of said plan which address response of public hospital to an act of terrorism while providing an exemption from public-meeting requirements for any portion of public meeting which would reveal information contained in said comprehensive emergency plan, etc. **Effective Date: December 10, 2001.**

<http://www.leg.state.fl.us/data/session/2001C/Senate/bills/billtext/pdf/s0018Cer.pdf>

Senate Bill 20-C (Chapter 2001-363): Department of Health; Terrorism; Public Records

Creates provisions of law, tentatively assigned as F.S. 381.95, that concern a public records exemption for information concerning state pharmaceutical depositories and other facilities. It provides that any information identifying or describing the name, location, pharmaceutical cache, contents, capacity, equipment, physical features, or capabilities of individual medical facilities, storage facilities, or laboratories established, maintained, or regulated by the Department of Health to defend against, or in response to, an act of terrorism, is exempt from public records requirements. **Effective Date: December 10, 2001.**

<http://www.leg.state.fl.us/data/session/2001C/Senate/bills/billtext/pdf/s0020Cer.pdf>

Senate Bill 22-C (Chapter 2001-364): Law Enforcement Agencies; Governmental Agencies; Public Records

Revises the public records exemption in F.S. 119.07(3)(b). Provides that a request of a law enforcement agency to inspect or copy a public record of another agency, the custodian's response to the request, and any information that would identify the public record that was requested or was provided by the custodian pursuant to the request are exempt from public records release during the period in which the information constitutes criminal intelligence or criminal investigative information. The requesting law enforcement agency must give notice to the custodial agency when the supplied material no longer qualifies as criminal intelligence or criminal investigative information. **Effective Date: December 10, 2001.**

<http://www.leg.state.fl.us/data/session/2001C/Senate/bills/billtext/pdf/s0022Cer.pdf>

Senate Bill 24-C (Chapter 2001-365): Domestic Security; Counter-Terrorism; Terrorism; Florida Department of Law Enforcement; Chief of Domestic Security Initiatives; Regional Domestic Security Task Forces; Hate Crimes

Requires FDLE to coordinate and direct response to acts of terrorism; provides legislative intent regarding counter-terrorism efforts and initial responses to acts of terrorism within or affecting Florida. Creates the Chief of Domestic Security Initiative within FDLE and requires FDLE to establish a regional domestic security task force in each of FDLE's seven operational regions. Also mandates that the regional task forces to provide for investigating and responding to certain hate crimes, etc. Establishes the position of Chief of Domestic Security Initiatives for the state and lists the Chief's duties and authority. Amends and creates various sections of F.S. Chapter 943 to accomplish the listed duties. Defines the term "terrorism" in F.S. 775.30 in the same way as the other Special Session bills. **Effective Date: December 10, 2001.**

<http://www.leg.state.fl.us/data/session/2001C/Senate/bills/billtext/pdf/s0024Cer.pdf>

Senate Bill 26-C (Chapter 2001-366): Terrorism; Domestic Security and Counter-Terrorism Intelligence Center and Data Base; Law Enforcement Agencies; Florida Department of Law Enforcement: Prosecutors; State Attorneys; Public Records

Creates s. 943.0321 that establishes the Florida Domestic Security and Counter-Terrorism Intelligence Center and the Florida Domestic Security and Counter-Terrorism Database within FDLE. Provides for functions of the intelligence center regarding the gathering and analysis of criminal intelligence information and criminal investigative information. Requires the intelligence center to maintain and operate the database and to provide support

to federal, state, and local law enforcement, and prosecutors that are investigating and prosecuting terrorism. Also specifies that information that is exempt from disclosure while in possession of the database maintains such exemption when it is released to a law enforcement agency or prosecutor. Creates appropriate language in F.S. Chapter 943 to accomplish the above duties. Defines the term "terrorism" in F.S. 775.30 in the same manner as in the other Special Session bills. **Effective Date: December 10, 2001.**

<http://www.leg.state.fl.us/data/session/2001C/Senate/bills/billtext/pdf/s0026Cer.pdf>

2002 SESSION TERRORISM BILLS

Senate Bill 306 (Ch. 2002-178): Drivers Licenses; Identification Cards; Crimes and Penalties

Creates F.S. 322.212(1)(d) that makes it a third-degree felony to sell, manufacture, or deliver, or to offer to sell, manufacture, or deliver a blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or identification card, or an instrument that appears to be a driver's license or identification card. This offense may be investigated by any law enforcement agency, including the Division of Alcoholic Beverages and Tobacco. (NOTE: See SB 520.) **Effective Date: October 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0306er.pdf>

Senate Bill 520 (Ch. 2002-259): Foreign Nationals; Drivers Licenses; Identification Cards; Department of Highway Safety and Motor Vehicles; Crimes and Penalties

Amends a number of provisions of F.S. Chapter 322.051 as they relate to drivers licenses and identification cards. Modifies the requirements for application for and issuance of these two types of documents by the Department of Highway Safety and Motor Vehicles. Shortens to maximum of 2 or 4 years, or expiration of visa, whichever is shorter, the expiration time for driver's licenses and identification cards held by foreign nationals depending on the kind of identification produced and basis for the person being in the country. Requires all changes of names and addresses of foreign nationals to be done in person rather than by mail. Also creates F.S. 322.212(1)(d) that makes it a third-degree felony to sell, manufacture, or deliver, or to offer to sell, manufacture, or deliver a blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or identification card, or an instrument that appears to be a driver's license or identification card. This offense may be investigated by any law enforcement agency, including the Division of Alcoholic Beverages and Tobacco. (NOTE: See SB 306.) **Effective Date: October 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0520er.pdf>

Senate Bill 622 (Ch. 2002-79): Commercial Transportation; Public Transportation; Terrorism; Crimes and Penalties

Makes it a third-degree felony to attempt to obtain, solicit to obtain, or use any form of public or commercial transportation, including vessels, aircraft, railroad trains, or commercial vehicles with the intent to commit a felony or to facilitate the commission of a felony. It is likely that this statute will be numbered as F.S. 860.065. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0622er.pdf>

House Bill 727 (Ch. 2002-43): Domestic Security; Terrorism; State Agencies; Division of Emergency Management; Disaster Preparedness Plans

Amends F.S. 252.365 to require each state agency head to work with the Division of Emergency Management to develop and distribute a comprehensive disaster preparedness plan to ensure continuity of essential state functions under all circumstances. Plans are to be implemented no later than July 1, 2003, and are encouraged to be in place earlier if possible. **Effective Date: April 16, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h0727er.pdf>

House Bill 735 (Ch. 2002-67): Public Records; Building Plans; Blueprints; Schematic Drawings; Terrorism

Creates F.S. 119.07(3)(ee) that exempts from public records release blueprints, schematic drawings, and other specified plans of structures owned or operated by state, county, or municipal agencies. Any "building, arena, stadium, or water treatment facility" is included within the scope of the exemption. (NOTE: It is possible that this subsection could be renumbered.) **Effective Date: April 22, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h0735er.pdf>

Senate Bill 954 (Ch. 2002-169): Counties; Municipalities; Employees; Contractors; Vendors; Criminal History Records; Felons; Terrorism

Creates tentatively-numbered F.S. 125.5801 that authorizes counties and tentatively-numbered F.S. 166.0442 that authorizes municipalities to require criminal history checks for employees having jobs critical to public safety or security, and for contractors, vendors, etc. with access to facilities critical to public safety or security. Also adds language to F.S. 112.011(2)(c), concerning the removal of disqualifications for employment of felons, by stating that this section of law does not apply to the employment practices of any county or

municipality relating to the hiring of personnel for positions deemed to be critical to security or public safety pursuant to F.S. 125.580 or F.S. 166.0442. **Effective Date: April 24, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0954er.pdf>

Senate Bill 998 (Ch. 2002-28): Weapons of Mass Destruction; Hoax Bombs; Hoax Weapons of Mass Destruction; Restitution; Terrorism; Crimes and Penalties

This 27-page bill, among other provisions, redefines "weapon of mass destruction" in F.S. 790.166 to include weapons designed to cause death or serious bodily injury "to any human or animal" or designed to produce "severe emotional or mental harm to any human." The new definition also includes any biological agent, toxin, vector, or delivery system. Adds "weapon of mass destruction" to the "False Report of Hoax Bomb" offenses in F.S. 790.163 and F.S. 790.164, making the false report of either a second-degree felony. Upon conviction a person convicted of these offenses may be ordered to pay restitution for all the costs and damages arising from the criminal activity. Expands the "Planting of Hoax Bomb" offense in F.S. 790.165 to include the elements of "sending, mailing, displaying, using, threatening to use, attempting to use, or conspiring to use" such a device and increases penalty to a second-degree felony and restitution may also be ordered against persons convicted of this charge. Creates F.S. 790.166(4) that makes it a second-degree felony for possessing, displaying, or threatening to use a hoax weapon of mass destruction during the commission of, or attempt to commit, any felony. As with the other sections, restitution may also be ordered upon conviction of F.S. 790.166. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0998er.pdf>

Senate Bill 1262 (Ch. 2002-269): Bioterrorism; Terrorism; Public Health Emergencies; Department of Health; Vaccinations; Quarantine; Health Care Practitioners; "Good Samaritan Act"

Amends various sections of F.S. Chapter 381 and authorizes the Department of Health (DOH) to help coordinate the state's response to and take specific actions in cases of "public health emergencies," including acts of bio-terrorism or use of nuclear or chemical agents. Powers include authority to quarantine, to order required vaccinations, and to direct drug manufacturers to divert drug stockpiles to affected areas. DOH may also re-activate the licenses of retired health care practitioners and order the testing and examination of individuals suspected of having a communicable disease that is a severe danger to public health. Also expands the "Good Samaritan Act" immunities in F.S. 768.13 during declared public health emergencies. **Effective Date: May 23, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s1262er.pdf>

House Bill 1427 (Ch. 2002-193): Terrorism; Sheriffs; Special Deputies; Bonds

Revises F.S. 30.09(4)(e), to allow Sheriffs to utilize special deputies in response to local or national acts of terrorism without those deputies having to be bonded as would normally be the case. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1427er.pdf>

House Bill 1439 (Ch. 2002-72): Security of Communications; Wiretaps; Terrorism; Judges; Jurisdiction; Emergency Intercept; Florida Department of Law Enforcement

This 26-page piece of legislation revises a number of sections in F.S. Chapter 934 and comports Florida law with federal communication interception provisions passed in October, 2001, as part of the "U.S.A. Patriot Act" as they relate to domestic intercepts. It requires FDLE to be brought into any state or local communications intercept investigation that involves communications related to acts of terrorism. It revises the definition of a "judge of competent jurisdiction" and allows such judge's intercept order to have statewide effect, provided that all or a portion of the crimes or conspiracy, or all or a portion of the communications to be intercepted, occur within the issuing judge's original jurisdiction. (This will assist in intercepting communications that rove throughout the state.) Adds "conspiratorial activities threatening the security interest of the nation or state" to the limited situations for which an emergency intercept is authorized. Makes several technical changes to conform to federal law in the area of stored electronic communications and other areas of communications law. (NOTE: See summary also for SB 12-C.) **Effective Date: April 22, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1439er.pdf>

OTHER 2002 BILLS OF INTEREST

Senate Bill 90 (Ch. 2002-266): "Florida Career Offender Registration Act"; Career Criminals; Community Notification; Drivers License; Florida Department of Law Enforcement; Department of Highway Safety and Motor Vehicles; Department of Corrections; Sheriffs; Victims; Crimes and Penalties

This 24-page bill creates the "Florida Career Offender Registration Act" that governs a number of duties regarding career offenders. It amends F.S. 775.13 by exempting a "career offender" from felon registration if he is required to register under this law. The Act provides for registration, obtaining of a drivers license or identification card through the Department of Highway Safety and

Motor Vehicles, community and public notification, address verification, and criminal penalties for habitual violent felony offenders, violent career criminals, three time violent felony offenders, and prison release reoffenders. **Registration of career offenders begins on or after January 1, 2003, for qualifying career offenders who are released from a sanction.** Creates F.S. 944.608 to provide for career offender registration through the Department of Corrections (DOC) when the offender is in the care, custody, or under supervision of DOC or a private correctional facility. Also creates F.S. 944.609 to require notification to FDLE six months prior to the anticipated release of an offender. Notification shall be provided to certain sheriffs and FDLE and, if requested, to the victim and any other person. The provisions of this act are similar to Florida's Sexual Offender Registration Act and related laws. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0090er.pdf>

Senate Bill 108 (Ch. 2002-236): Workers Compensation; Law Enforcement Officers; Firefighters; Emergency Medical Technicians; Paramedics; Correctional Officers; Correctional Probation Officers; Disability; Department of Insurance; Anti-Fraud Reward Program

As part of a 44-page bill dealing with a variety of issues, extends workers compensation coverage in F.S. 440.091 to firefighters performing emergency activities either while off duty or outside their jurisdiction and to EMTs and paramedics performing emergency duties outside their jurisdiction. Amends F.S. 112.18(1), relating to the presumption of on-duty disability for tuberculosis, heart disease, and hypertension, by extending the presumption to any full-time law enforcement, correctional, or correctional probation officer. Also amends the law in F.S. 626.9892 regarding the Anti-Fraud Reward Program in the Department of Insurance by making the \$25,000 applicable to all fraud-related crimes cited in the statute, not just ones that are "complex or organized" crimes. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0108er.pdf>

Senate Bill 140 (Ch. 2002-284): Public Records; Crimes and Penalties

Creates F.S. 817.569 and amends the provisions of the offense severity ranking chart in F.S. 921.0022 by providing that it is misdemeanor of the first degree to use a public record, or information obtained from a public record, to facilitate the commission of a first-degree misdemeanor. Also provides that it is felony of the third degree to use a public record, or information obtained from a public record, to facilitate the commission of a felony. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0140er.pdf>

Senate Bill 148 (Ch. 2002-50): Homeowners Associations; Flags

Revises F.S. 720.304 by adding subsection (2) that will allow any homeowner to display one portable, removable United States flag in a respectful manner, regardless of any association's declaration rules or requirements dealing with flags or decorations. **Effective Date: April 18, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0148er.pdf>

House Bill 163 (Ch. 2002-159): Lewd or Lascivious Offenses; Disabled Persons; Sentencing; Crimes and Penalties

Amends F.S. 825.1025 by substituting the phrase "disabled person" for the previously used phrase "disabled adult". Also raises the second-degree felony offense of lewd or lascivious battery upon an elderly person or disabled person from level 7 to level 8 on the F.S. 921.0022 offense severity-ranking chart. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h0163er.pdf>

Senate Bill 172 (Ch. 2002-214): Elections; Crimes and Penalties

Creates F.S. 104.091(2) to provide that conspiracy to commit a violation of the election code shall be punished as having committed the violation. Also creates F.S. 104.091(3) to provide that knowing of a felony violation of the code and giving aid to the offender shall be punished as having committed the violation. **Effective Date: October 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0172er.pdf>

Senate Bill 176 (Ch. 2002-232): Law Enforcement Officers; Correctional Officers; Correctional Probation Officers; Firefighters; Death Benefits

Amends F.S. 112.19 and F.S. 112.191 by adding graduate and postbaccalaureate educational benefits for the children of law enforcement, correctional, or correctional probation officers killed in the line of duty, and for the children of firefighters killed in the line of duty. Benefits apply to qualifying children who attend a state university in Florida, are Florida residents, and the eligibility to receive such benefits extends until the child reaches the age of twenty-nine years. (NOTE: Also see HB 1357). **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0176er.pdf>

Senate Bill 188 (Ch. 2002-74): “Officer Scott Baird Act”; Aggravated Manslaughter; Culpable Negligence; Law Enforcement Officers; Firefighters; Emergency Medical Technicians; Paramedics; Crimes and Penalties

The “Officer Scott Baird Act” creates F.S. 782.07(4), making it a first-degree felony to commit the aggravated manslaughter of a law enforcement officer, firefighter, emergency medical technician, or paramedic through an act of culpable negligence when one of the above persons is acting in the course of his or her employment. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0188er.pdf>

Senate Bill 196 (Ch. 2002-215): Traffic Control; Evidence; Exclusionary Rule; Department of Highway Safety and Motor Vehicles

Creates F.S. 90.959 establishing that the Department of Highway Safety and Motor Vehicles (DHSMV) Division of Driver Licenses and Division of Motor Vehicles are not law enforcement agencies. The new section of law also provides that errors in the records of those divisions are not collectively known by law enforcement agencies and that evidence obtained pursuant to an arrest based on objectively reasonable reliance on information obtained from those divisions shall not be suppressed by use of the exclusionary rule if the information was erroneous. The bill responds to court rulings finding DHSMV to be a law enforcement agency and excluding evidence obtained as a result of traffic stops and arrests based on erroneous license and registration information obtained from DHSMV. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0196er.pdf>

House Bill 219 (Ch. 2002-60): Alcoholic Beverages; Open House Parties; Juveniles; Crimes and Penalties

Amends F.S. 856.015(1) by revising the definition of “minor” to mean an individual not legally permitted by age to possess alcoholic beverages and the definition of “person” to be an individual 18 years of age or older. Also amends F.S. 856.015(2) by specifying that the “person” in charge having control of a residence can be charged for having an illegal open house party. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h0219er.pdf>

House Bill 261 (Ch. 2002-20): Department of Transportation; Traffic Control; Commercial Motor Vehicles; Law Enforcement Officers; “Florida Turnpike Enterprise Law”; “Florida High-Speed Rail Authority Act”; Motorized Scooters; Electric Personal Assistance Mobility Device; Forfeiture; Fuel Conveyance; “Dori Slosberg Driver Education Safety Act”; Crash Reports; Public Records; Utility Vehicles; Homeowners Associations;

Headsets; Mandatory Hearings; University Police; Jurisdiction; Department of Agriculture and Consumer Services; Traffic Crash Investigators; Juveniles; Driver's License; Department of Highway Safety and Motor Vehicles; Titles; Vehicle Identification Numbers; Registration; License Plates; Identification Cards; Toll Collection Facilities; Vessels; Outboard Motors; Salvage Vehicles; Emergency Vehicles; Flashing Lights; Department of Health; Counties; Traffic Education Program; Schools; Internet; Crimes and Penalties

This 176-page bill covers a number of issues related to transportation and vehicles, the Department of Transportation (DOT) in particular, and other similar topics. Revises F.S. 316.302 regarding commercial motor vehicles by revising the category of law enforcement officers who may enforce compliance with this section. Any person who fails to comply with an officer's request to submit to an inspection commits a violation of F.S. 843.02 or F.S. 843.03, depending on the circumstances of the refusal. Amends the maximum weight provisions of F.S. 316.535 by adding dump trucks, concrete mixing trucks, and other vehicles to the category of vehicles regulated by this section of law. Creates F.S. 334.044(31) to allow the Office of Motor Carrier Compliance of DOT to employ certified sworn law enforcement officers to enforce traffic and criminal laws. These officers will have full powers, including the right to carry arms, make arrests, seized specified property under the law, and serve process. Amends and creates numerous sections of F.S. Chapter 338, creating the "Florida Turnpike Enterprise Law" that redefines the operation of the Florida Turnpike. Also creates the "Florida High-Speed Rail Authority Act" in F.S. Chapter 341 to implement development of a high-speed rail system for the state as mandated by the state Constitution.

Creates definitions of "motorized scooter" and "electric personal assistive mobility device" in F.S. 316.003 and creates regulations for the use of the latter devices in F.S. 316.2068. In amending F.S. 316.515 concerning width, height, and length of vehicles, gives DOT the right to issue permits for certain cotton module movers. Revises F.S. 316.520, governing loads on vehicles, provides exemption for transportation of agricultural goods under specified conditions. New F.S. 316.80 creates third-degree felony offenses and seizure/forfeiture authority for violation of laws concerning the unlawful conveyance of fuel or for obtaining fuel fraudulently. Changes to F.S. 316.066(3) require any state, local, or federal agency, agent, or employee receiving a crash report under this subsection to maintain the confidential and exempt status of the information in the reports. Revises F.S. 316.1975 by exempting solid waste or recovered materials vehicles collecting such items from the unattended motor vehicles infraction. Creates regulations in F.S. 316.2127 for the operation of utility vehicles by homeowners associations. Amends the wearing of headset law in F.S. 316.304(2) by exempting any person who is using a headset in conjunction

with communicating with a central base operation when the headset provides sound only through one ear and allows surrounding sounds to be heard through the other ear. Revises the law in F.S. 316.520 governing loads on vehicles. Makes it a second-degree misdemeanor to willfully violate the load provision law and, as a result, cause serious bodily injury or death to another person. Amends F.S. 318.18(3) regarding the amount of civil penalty for an infraction by creating fines for speeding citations related to electronic or manual toll collection facilities. Also revises F.S. 318.19 concerning infractions requiring a mandatory hearing by adding a violation of the vehicle load laws of F.S. 316.520(1) or (2) to the list. Amends the authority of university police officers to enforce traffic laws per changes to F.S. 316.640(1). Expands the traffic enforcement jurisdiction of Department of Agriculture and Consumer Services officers in F.S. 316.640 and increases general law enforcement jurisdiction and authority, including the power to serve process and seize contraband, for the same officers in F.S. 570.073. Also revises F.S. 316.640 as it relates to the authority of traffic crash investigators.

Amends the mandatory revocation of driver's licenses of juveniles who are convicted under F.S. 322.056 to allow the court to let the juvenile offender obtain a license for business or employment purposes. Revises the procedures to be followed by the Department of Highway Safety and Motor Vehicles (DHSMV) when transferring titles under F.S. 319.28. Amends the law governing vehicle identification numbers in F.S. 319.33 and the registration laws in F.S. 320.025. Revises laws governing registration and license plates in F.S. 320.06, especially as such relate to validation stickers. Amends F.S. 322.051 by requiring that any person who accepts a Florida driver's license as proof of identification must also accept a Florida identification card as proof of identification when the person does not have a driver's license. Revises F.S. 860.20, governing outboard motors, by specifying that DHSMV has the authority to promulgate rules specifying the location and manner of display of serial numbers. Violation of the rules is a first-degree misdemeanor. Amends provisions in F.S. 319.30 concerning salvaged and dismantled vehicles. Revises F.S. 316.003(1) by including designated Department of Health vehicles as "authorized emergency vehicles" and changes F.S. 316.2397(9) by allowing designated Department of Health vehicles to display flashing red lights. **Effective October 1, 2002**, creates the "Dori Slosberg Driver Education Safety Act" that allows a county to pass an ordinance directing the collection of an additional \$3.00 with any civil traffic penalty. The additional money is to be used to fund traffic education programs in public and nonpublic schools. **Effective July 1, 2003**, creates F.S. 319.41, requiring DHSMV to make available on the Internet a database of title transactions searchable by vehicle identification number. (NOTE: See SB 266 and HB 1681 for some similar topic areas.) **Effective Date: July 1, 2002, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h0261er.pdf>

Senate Bill 264 (Ch. 2002-14) Drug-Free Workplace; Drug Testing; Employer and Employees; Construction Contracts; Schools; Public Buildings; Correctional Facilities

In addition to revising language in F.S. 440.102(2) regarding employer testing criteria in the drug-free workplace laws, also creates subsection (15). The new subsection requires construction contractors, electrical contractors, and alarm system contractors to implement a drug-free workplace program in order to be eligible for state construction contracts for educational facilities governed by F.S. Chapter 235, public property/publicly owned buildings governed by F.S. Chapter 255, or correctional facilities governed by F.S. Chapter 944. **Effective Date: October 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0264er.pdf>

Senate Bill 266 (Ch. 2002-23): Traffic Control; Unattended Motor Vehicles; Solid Waste Collection; Crimes and Penalties

Amends F.S. 316.1975, relating to unattended motor vehicles, by exempting solid-waste or recovered-materials collection vehicles from this infraction while operators of such vehicles are collecting such items. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0266er.pdf>

House Bill 285 (Ch. 2002-40): Public Records; Victims; Witnesses

Reenacts and amends F.S. 914.27 by removing the October 2, 2002 repeal of the law and amends the provisions which provide exemptions from public records requirements for certain information regarding victims or witnesses who have been identified or certified for protective services or relocation services. **Effective Date: October 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h0285er.pdf>

House Bill 287 (Ch. 2002-61): Public Records; Florida Violent Crime and Drug Control Council

Reenacts and amends F.S. 943.031 by removing the October 2, 2002 repeal of the law and reenacting the exemptions to public records and public meeting requirements for meetings of the Florida Violent Crime and Drug Control Council during which active criminal investigative information or active criminal intelligence information is discussed, and for recordings of, and notes generated during, such meetings. **Effective Date: October 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h0287er.pdf>

Senate Bill 332 (Ch. 2002-24): Athlete Agents; Crimes and Penalties

Amends F.S. 468.452(2) by redefining the term "athlete agent" to include all employees and other persons acting on behalf of the athlete agent but does not include a spouse, parent, sibling, grandparent, or guardian of the student-athlete or an individual acting solely on behalf of a professional sports team or professional sports organization. Revises the licensure requirements in F.S. 468.453 while significantly amending F.S. 468.454 governing contract requirements. Amended F.S. 468.456(3) adds administrative fines up to \$25,000 for violation of this section and new F.S. 468.45615(4) creates new second-degree felony offenses for providing illegal inducements to athletes. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0332er.pdf>

Senate Bill 358 (Ch. 2002-179): Distracted Drivers; Traffic Control; Motor Vehicles; Department of Highway Safety and Motor Vehicles

Creates F.S. 316.0075 requiring the Department of Highway Safety and Motor Vehicles to begin collecting data on January 1, 2002, about motor vehicle accidents involving driver distractions. **Effective date: April 25, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0358er.pdf>

Senate Bill 366 (Ch. 2002-217): "Move Over Act"; Traffic Control; Emergency Vehicles; Emergency Lights; Wreckers

Amends F.S. 316.126(1) by requiring vehicles to vacate the lane closest to a parked emergency vehicle that is using visual signals on any highway with two or more lanes in the direction of the parked emergency vehicle. On two-lane roads vehicles must slow to 20 mph under the posted speed limit, or slow to 5 mph when the posted speed limit is 20 mph or less. Violations result in a fine of \$30.00 dollars under F.S. 318.18(2)(d). Amends F.S. 316.2397 by authorizing wreckers to use amber lights and restricts use of amber lights by a flatbed, car carrier, or rollback unless it creates a hazard to other motorists because of protruding objects. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0366er.pdf>

Senate Bill 408 (Ch. 2002-75): Department of Corrections; Law Enforcement Officers; Florida Department of Law Enforcement; Correctional Officers; Use of Force

Amends F.S. 944.31 by permitting the Secretary of the Department of Corrections (DOC) to designate persons within the Office of the Inspector General as law enforcement officers to conduct any criminal investigation on

DOC-related property. Provides minimum standards for persons designated as law enforcement officers under this section and designates arrest authority for such officers. Also directs the Department of Corrections and the Department of Law Enforcement to maintain a memorandum of understanding concerning notification and investigation of mutually agreed-upon predicate events including suspicious deaths and organized criminal activity. Revises the use of force provisions for correctional officers in F.S. 944.35(2). **Effective date: April 23, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0408er.pdf>

House Bill 417 (Ch. 2002-7): Alcoholic Beverages; Students

Amends F.S. 562.11 by adding subsection (4) which provides an exemption for giving or serving alcoholic beverages to students who are at least 18 years of age if the beverages are delivered as part of a required curriculum at an accredited educational institution. Also provides an exemption in new F.S. 562.111(2) for possession of alcoholic beverages by those students in specified circumstances. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h0417er.pdf>

Senate Bill 426 (Ch. 2002-218): Taxation; Department of Revenue; Agency for Workforce Renovation; Crimes and Penalties

As part of a 130-page bill dealing with a variety of tax-related issues, amends the elements of F.S. 213.053(7)(r) concerning use of information provided to the Department of Management Services by the Department of Revenue. Also creates F.S. 213.053(7)(w), authorizing the release of information from the Department of Revenue to the Agency for Workforce Renovation for use in the conduct of its business. Information that is redisclosed in violation of the confidentiality provisions of F.S. 213.053 is a first-degree misdemeanor. **Effective Date: May 1, 2002, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0426er.pdf>

Senate Bill 432 (Ch. 2002-25): Insurance; Fraud; Repeals; Crimes and Penalties

As part of a 26-page bill concerning many insurance-related topics, creates F.S. 817.2341 that governs false or misleading statements or supporting documents regarding insurance claims, etc. Violations of these provisions which basically concern certain fraudulent acts relating to F.S. Chapters 624 and 631, including the filing of false or misleading financial statements and related documents and the false entry of a material fact in any book or report relating to a transaction of an insurer, are third-degree and first-degree felonies. Due

to the creation of the new offenses in F.S. 817.2341, also repeals F.S. 624.3101 that had previously made it a third-degree felony to commit some actions similar to those covered by the new law. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0432er.pdf>

Senate Bill 434 (Ch. 2002-76): Jurors; Department of Highway Safety and Motor Vehicles; Clerk of Court; Florida Department of Law Enforcement; Criminal History Record

Amends F.S. 40.011 by requiring the Department of Highway Safety and Motor Vehicles to deliver quarterly to the clerk of the court in each county a list of names of persons who would possibly be eligible to be considered for jury duty. Each month the clerk of court from each county will submit names and other identifying information about the possible jurors to the Florida Department of Law Enforcement which must then search those names against names in its criminal history records and other databases to assist the clerk in evaluating whether a member of the jury pool should be disqualified pursuant to F.S. 40.013. **Effective Date: October 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0434er.pdf>

House Bill 489 (Ch. 2002-41): Surveying; Mapping; Crimes and Penalties

Among numerous revisions to F.S. Chapter 472 relating to land surveying and mapping, amends the some of the elements of the first-degree misdemeanor violations contained in F.S. 472.031(1). **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h0489er.pdf>

Senate Bill 522 (Ch. 2002-235): Motor Vehicles; Incapacitated Vehicles; Traffic Control; Driver Improvement Schools; Homeowner's Associations; Department of Highway Safety and Motor Vehicles; Rebuilt Vehicles; Titles; Motor Vehicle Dealers; Tow Truck Operators; Law Enforcement Officers; Crimes and Penalties

This 38-page bill revises numerous traffic-related laws. In part, creates F.S. 316.061(3) to allow designated persons to remove incapacitated vehicles involved in a crash on main traveled roadways. Amends provisions in F.S. Chapter 316 governing the conveyance of right of way to homeowner's associations and changes language in F.S. 318.1451 concerning driver improvement schools. Makes a number of changes to F.S. 319.14 governing rebuilt and other vehicles, including creation of a third-degree felony under subsection (6) for removing the decal from a rebuilt vehicle with the intent to conceal the rebuilt status. Amends F.S. 319.22 to provide that a transfer of title to a motor vehicle without the purchaser's name appearing on the title, with the intent to commit fraud, constitutes a first-degree misdemeanor. New

F.S. 319.30(2)(c) makes it a third-degree felony to induce a person to sign an affidavit that falsely asserts that a vehicle title was surrendered to DHSMV. Revises the requirements for licensure as motor vehicle dealers in F.S. 320.27. Amends F.S. 713.78 to authorize employees of DHSMV and law enforcement officers to inspect records of any person regularly engaged in the business of recovering, towing or storing vehicles or vessels or transporting vehicles or vessels by wrecker, tow truck or car carrier. Failure to maintain or produce required records constitutes a first-degree misdemeanor. **Effective Date: May 7, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0522er.pdf>

House Bill 549 (Ch. 2002-65): “Uniform Child Custody Jurisdiction and Enforcement Act”; Law Enforcement Officers; Physical Custody Warrant; State Attorneys

This 43-page bill concerns many child custody-related procedures and also includes provisions relating to Indian tribes and foreign nations. It creates F.S. 61.534 that establishes conditions under which a court may issue a warrant directing law enforcement officers to take physical custody of a child for purposes of enforcing a child custody determination. Such a warrant can be enforceable throughout the state, can authorize officers to enter private property to take custody of the child, and if required by exigent circumstances, can authorize officers to make a forcible entry at any hour of the day or night. In addition, in relation to the Hague Convention on Civil Aspects of International Child Abduction and as specified in new F.S. 61.538, a State Attorney may take any lawful action to locate a child, obtain the return of a child, or enforce a child custody determination. Under new F.S. 61.539, a law enforcement officer may take any lawful action reasonably necessary to locate a child and assist a State Attorney with responsibilities under F.S. 61.538. Costs incurred by the State Attorney and law enforcement officers may be assessed against the nonprevailing party in such cases. **Effective Date: October 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h0549er.pdf>

House Bill 561 (Ch. 2002-6): Disabled Persons; Traffic Control

Amends F.S. 320.0848 to include certification of a disability by an advanced registered nurse practitioner or physician assistant licensed in a facility operated by the U.S. Department of Veteran Affairs. **Effective Date: July 1, 2002**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h0561er.pdf>

House Bill 565 (Ch. 2002-161): Farm Labor Contractors; Crimes and Penalties

Creates F.S. 450.34(3), making it a second-degree misdemeanor for a farm labor contractor to make any charge or deduction from wages for any tools, equipment, transportation, or recruiting fees that are for the benefit of the employer unless the charges are in compliance with the Fair Labor Standards Act. **Effective date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h0565er.pdf>

Senate Bill 570 (Ch. 2002-297): Prostitution; Substance Abuse; Pretrial Intervention; Drivers Licenses; Motor Vehicles; Crimes and Penalties

Establishes a 2-year community-based pilot program in Pinellas and Hillsborough Counties providing screening, evaluation, treatment and rehabilitation for persons convicted of prostitution. Amends F.S. 796.07 by designating a third or subsequent violation for prostitution as a felony of the third degree. Amends F.S. 796.07 and F.S. 948.08 to provide for pretrial intervention for felony prostitution offenders. Amends F.S. 322.28 to require a minimum 1-year drivers license suspension for persons sentenced on a second or subsequent violation for solicitation or procurement of prostitution, in cases when the violation involved a motor vehicle. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0570er.pdf>

Senate Bill 612 (Ch. 2002-78): Controlled Substances; Carisoprodol; Crimes and Penalties

Amends F.S. 893.03(4) by adding carisoprodol (Soma), a prescription muscle relaxant, to the list of Schedule IV drugs. The Schedule IV designation will restrict the number of allowable refills within specified periods. Unlawful possession of carisoprodol is a third-degree felony. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0612er.pdf>

Senate Bill 618 (Ch. 2002-17): Elections; Contributions; Crimes and Penalties

This 33-page bill makes changes to a number of chapters of law regarding elections. A revision to F.S. 101.5614(9) clarifies that it is a third-degree felony for a specified election official to release voting results prior to the closing of the polls in the official's county. Amended F.S. 101.68(2) also clarifies that it is a third-degree felony for a specified election official to release absentee ballot results prior to the closing of the polls in the official's county. By adding language to F.S. 106.08(5) regarding contributions by candidates, political

committees, or political parties, creates a new first-degree misdemeanor in F.S. 106.08(7). (NOTE: See SB 1842.) **Effective Date: April 11, 2002, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0618er.pdf>

Senate Bill 626 (Ch. 2002-80): Laser Pointer; Law Enforcement Officer; Crimes and Penalties

Creates F.S. 784.062 by defining "laser lighting device" as "hand-held device, not affixed to a firearm, which emits a laser beam that is designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object." It is a noncriminal violation under F.S. 775.083 for a person to knowingly and willfully shine, point, or focus the pointer's beam at a law enforcement officer in a manner that would make the officer believe that a firearm is pointed at the officer. **Effective Date: October 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0626er.pdf>

Senate Bill 640 (Ch. 2002-81): Health Care Practitioners; Controlled Substances; Prescriptions; Crimes and Penalties

Allows a representative of the state department of Florida state government that licenses a health care practitioner to voluntarily appear, or appear upon order of court, in a criminal proceeding against a practitioner licensed by the respective department in order to promote justice and protect the public. Revises the controlled substance laws in F.S. 893.13(7) by increasing the penalty to a third-degree felony for a person seeking a prescription to withhold information from a practitioner about having obtained a prescription for the same or similar drug within the prior 30 days. Creates new felony violations in F.S. 893.13(8) for health care practitioners who assist others in obtaining fraudulent prescriptions for controlled substances, who write controlled substance prescriptions for fictitious persons, or who write controlled substance prescriptions for the sole purpose of obtaining a monetary benefit for the practitioner. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0640er.pdf>

Senate Bill 682 (Ch. 2002-196): Substance Abuse; Background Checks; Licensed Service Providers

This 23-page bill makes a number of changes, including licensing standards and background check requirements, to F.S. Chapter 397 relating to substance abuse services. **Effective date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0682er.pdf>

Senate Bill 716 (Ch. 2002-55): Domestic Violence; Department of Children and Family Services; Batterers' Intervention Program; Injunctions; Firearms; Victim Advocate; Dating Violence; Stalking; Crimes and Penalties

This 40-page bill covers a number of topics related to domestic violence, including the cross-reference in a number of sections of law to the newly revised definitions of "domestic violence" and "family or household member" in F.S. 741.28. Creates F.S. 39.903(3) that provides authority to the Department of Children and Family Services to operate a statewide domestic violence program. Revises criteria in F.S. 741.281 for ordering persons to enter batterers' intervention programs. Makes numerous changes to F.S. 741.30 regarding the procedures, not related to filing fees (see below), for applying for and obtaining an injunction for protection against domestic violence, including the right of an advocate from a state attorney's office, a law enforcement agency, or a certified domestic violence center to be present during any court proceedings or hearings. Amends current and creates new first-degree misdemeanors in F.S. 741.31 for violating an injunction for protection against domestic violence. The new violations include coming within 100 feet of petitioner's motor vehicle (whether occupied or not), defacing or destroying petitioner's personal property, or refusing to surrender a firearm or ammunition if ordered to do so by the court. Also amends F.S. 784.046 to include provisions for injunctions for protection against dating violence. Makes it a first-degree misdemeanor in F.S. 784.07 to violate a protective injunction against dating violence. Also amends F.S. 784.048(4) by including a violation of a dating violence injunction as a form of aggravated stalking, a third-degree felony. **Effective October 1, 2002**, revises F.S. 741.30(2) to prohibit the assessment of a filing fee for a petition for protection against domestic violence. **Effective Date: January 1, 2003, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0716er.pdf>

House Bill 777 (Ch. 2002-68): Public Records; Business Information; Department of Revenue; Office of Tourism, Trade, and Economic Development; Unemployment Compensation; Crimes and Penalties

In addition to creation of F.S. 288.1067 that provides a public records exemption for specified business information, also amends F.S. 213.053(7)(k) by specifying information that can be released by the Department of Revenue to the Office of Tourism, Trade, and Economic Development. Breach of confidentiality of released information is a first-degree misdemeanor. Revises provisions governing disclosure of records related to unemployment compensation in F.S. 443.1715(1). Improper release of such records is a second-degree misdemeanor. **Effective Date: April 22, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h0777er.pdf>

House Bill 811 (Ch. 2002-190): Seaport Security; Grants; Office of Drug Control; Florida Department of Law Enforcement

Amends F.S. 311.07 by adding seaport security measures to the list of projects eligible for grant funding. Measures include those approved by the Office of Drug Control and the Florida Department of Law Enforcement. **Effective Date: April 25, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h0811er.pdf>

House Bill 835 (Ch. 2002-162): Theft; Elderly Persons; Restitution; Community Service; Crimes and Penalties

Creates F.S. 812.0145, requiring restitution and 500 hours of community service for theft of more than \$1,000 from a person 65 years of age or older. Also mandates that if the offender knew or had reason to believe the victim was 65 years of age or older, the theft of property, funds, or assets valued over \$50,000 is a first-degree felony. Theft of specified property between \$10,000 and \$50,000 is a second-degree felony, while theft of specified property between \$300 and \$10,000 is a third-degree felony. This bill also amends the offense severity-ranking chart in F.S. 921.0022 to reflect the newly created enhanced penalties. **Effective date: October 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h0835er.pdf>

House Bill 841 (Ch. 2002-58): "Wetterling Act"; Sexual Predators; Sexual Offenders; College; University; Postsecondary Institution; Students; Sheriffs; Florida Department of Law Enforcement; Department of Corrections; Courts; Legislative Intent; Victims; Juveniles; Disabled Persons; Elderly Persons; HIV Testing; Crimes and Penalties

In order to make Florida law comply with federal requirements mandated by the "Wetterling Act," this 33-page bill revises a number of sections of law concerning sexual predators and sexual offenders. Amends F.S. 775.21, F.S. 943.0435, and F.S. 944.607 to require that sexual predators and offenders who are enrolled, employed, or carry on a vocation at an "institution of higher education" such as a college, university, or postsecondary institution, shall provide that information to FDLE or the sheriff. FDLE is required to notify the sheriff, who in turn shall notify the institution of the offender's presence. If the offender is in the custody or under the supervision of the Department of Corrections (DOC), then DOC shall notify the institution. Any changes in the offender's enrollment or employment status must be reported to the sheriff or DOC. Violations constitute a third-degree felony. Revises F.S. 775.24 to extend the time to one year for an agency to modify or set aside certain injunctions concerning sexual predators or sexual offenders. Adds the

obscenity related offenses of F.S. 847.0137 and F.S. 847.0138 (transmission by electronic means of pornography or material harmful to children) to the list of crimes for which a person can be deemed a “sexual predator” in F.S. 775.21 or a “sexual offender” in F.S. 943.0435 and F.S. 944.607. Also expands the criteria for a “sexual offender” under F.S. 943.0435 to persons who are residents of Florida and who have been designated as a sexual predator or other designated category in another state or territory and are required to register as the result of such designation, or who has committed an offense in such jurisdictions that are similar to Florida offenses that would qualify the person for registration in Florida. Creates F.S. 943.0436 that expresses legislative intent that the courts of Florida follow the laws governing sexual predators and sexual offenders. Amends F.S. 960.003 to require the testing of subjects for HIV when charged for certain sexual offenses and the victim who is a minor, disabled person, or elderly person, requests such testing. Also establishes procedures in this latter section for release of the testing results. **Effective date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h0841er.pdf>

House Bill 861 (Ch. 2002-70): State Attorneys; Prison Releasee Reoffenders; Habitual Felony Offenders; Habitual Violent Felony Offenders; Sentencing; Child Abuse; Adult Abuse; Repeals

Among other provisions regarding State Attorneys, amends F.S. 775.082 under which they must make a quarterly report about prison releasee reoffender sentencing. Such reports will now be required on an annual basis. The required quarterly sentencing reports about habitual felony offenders and habitual violent felony offenders have been deleted due to changes made to F.S. 775.08401(3). Repeals F.S. 39.205(7) that governed State Attorney procedures about prosecution of child abuse or neglect cases and annual reports to the Legislature. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h0861er.pdf>

House Bill 893 (Ch. 2002-53): Moving Companies; Department of Agriculture and Consumer Services; Crimes and Penalties

Creates a series of statutes, likely to be placed in F.S. Chapter 507, relating to the regulation of moving companies by the Department of Agriculture and Consumer Services. Also provides for first-degree misdemeanor penalties for violating the provisions of the act while creating a third-degree felony for a mover, mover’s employee, or contractor who refuses to comply with an order from a law enforcement officer to release a shipper’s household goods when the officer has determined that the shipper has made payment pursuant to the agreed contract. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h0893er.pdf>

House Bill 949 (Ch. 2002-59): Sexually Violent Offenders; Notice of Release

Amends the notice release requirements of F.S. 394.913 that mandate that the agency with jurisdiction over a person who has been convicted of a sexually violent offense to give written notice prior to the anticipated release from total confinement of the convicted subject. Also revises F.S. 394.917 by clarifying that persons detained or committed under this act shall be kept segregated from patients not detained or committed under this law. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h0949er.pdf>

Senate Bill 952 (Ch. 2002-168): Elderly Persons; Disabled Persons; Exploitation; Statute of Limitations; Crimes and Penalties

Amends F.S. 775.15(2)(g) to provide for a five-year, as opposed to a four-year, statute of limitations for prosecuting F.S. 825.103 concerning exploitation of an elderly person or disabled adult. **Effective date: October 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s0952er.pdf>

Senate Bill 1002 (Ch. 2002-51): Cruelty to Animals; Psychiatric Counseling; Crimes and Penalties

Amends F.S. 828.12(2), regarding cruelty to animals, to provide that an offender who has been convicted of violating this subsection, when the finder of fact determines that the violation included the knowing and intentional torture or torment of an animal that resulted in the animal's injury, mutilation or death, must pay a minimum fine of \$2,500 and undergo psychological counseling or anger management. An offender convicted of a second or subsequent violation of this subsection is required to pay a minimum \$5,000 fine and serve a minimum mandatory period of incarceration of 6 months without eligibility of parole, control release or any other form of early release. A plea of nolo contendere is considered a conviction for purposes of this subsection. **Effective date: April 18, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s1002er.pdf>

Senate Bill 1020 (Ch. 2002-170): Payment Cards; Merchants; State Attorneys; Crimes and Penalties

Creates tentatively-numbered F.S. 501.0118 that provides restrictions on information that merchants may print on receipts for certain payment card transactions. Violation of the law is a noncriminal offense and the State Attorney may bring actions in County Court to enforce the law. **Effective Date: July 1, 2003.**

House Bill 1057 (Ch. 2002-263): Motor Vehicles; Vessels; Traffic Control; Driving Under The Influence (DUI); Boating Under The Influence (BUI); Ignition Interlock Devices; Blood Tests; Refusal of Test; Uniform Affidavits and Reports; Crimes and Penalties

This 44-page bill relates to a number of sections of law governing the operation of vehicles and vessels. Amends F.S. 316.193(2) so that a second DUI conviction requires the use of an ignition interlock device for at least one year in all vehicles leased or owned by the convicted person. Makes a third DUI conviction within ten years of a prior conviction a third-degree felony and requires the use of an ignition interlock device for at least two years. Prescribes penalties for a third DUI conviction more than ten years after a prior conviction and requires use of an ignition interlock device for at least two years. Makes any fourth or subsequent DUI conviction a third-degree felony. Amends the implied consent warnings in F.S. 316.1932 to require an investigating officer to inform the subject that it is a misdemeanor to refuse to submit to a breath, blood, or urine test if the subject's driving privilege has been previously suspended for the prior refusal of a test. Revises the first-degree misdemeanor offense elements in F.S. 316.193(3)(c) by adding "contributes to causing" damage to property, injury, or death. Changes F.S. 316.193(4) to require the use of an ignition interlock device by persons convicted in cases involving a 0.20 alcohol level or higher or when the defendant was accompanied by a minor. Installation of ignition interlock devices will not occur before July 1, 2003. Amends F.S. 316.1933(1) by directing a law enforcement officer to require a person to submit to the blood test and establishing that the required blood test does not have to be incidental to an arrest. Creates F.S. 316.1939, making a second or subsequent refusal to submit to a breath, blood, or urine test by a person arrested for DUI a first-degree misdemeanor; sets out implied consent warnings; makes this offense separate and unaffected by administrative license suspension proceedings; and allows use of DHSMV records to establish prior refusal suspensions. Amends F.S. 327.35(2) by making a third BUI conviction within ten years of a prior conviction a third-degree felony. Prescribes penalties for a third BUI conviction more than ten years after a prior conviction. Makes any fourth or subsequent BUI conviction a third-degree felony. Revises the first-degree misdemeanor offense elements in F.S. 327.35(3)(c) by adding "contributes to causing" damage to property, injury, or death. Amends the implied consent warnings in F.S. 327.352 to require an investigating officer to inform the subject that it is a misdemeanor to refuse to submit to a breath, blood, or urine test if the subject has been previously fined for refusal to submit to a test. Amends F.S. 327.353(1) by directing a law enforcement officer to require a person to submit to the blood test and establishing that the required

blood test does not have to be incidental to an arrest. Creates F.S. 327.359, making a second or subsequent refusal to submit to a breath, blood, or urine test by a person arrested for BUI a first-degree misdemeanor and sets out implied consent warnings. Amends F.S. 943.05(2)(d), directing the FDLE Criminal Justice Information Program to adopt rules by July 1, 2004, and prescribes that uniform probable cause affidavits and alcohol influence reports are to be used in making DUI arrests. Failure to use such forms would not prohibit prosecution. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1057er.pdf>

House Bill 1085 (Ch. 2002-46): Fish and Wildlife Conservation Commission; Vessels; Clerk of Court; Trespass; Repeals; Saltwater Fishing Licenses; Snook Fishing; Hunting; Crimes and Penalties

53-page bill substantially changes many provisions of law regarding fishing, hunting, and boating through numerous revisions of current statutes and creation of a number of new ones. Adds a provision to the noncriminal infraction law in F.S. 327.73 that will allow a Clerk of Court to dismiss a citation for F.S. 327.395 if the person cited can display a valid boating safety identification card. The Clerk may also impose a \$5.00 dismissal fee. Amends the noncriminal infraction penalty in F.S. 372.711 by allowing a person charged with violating the personal possession of license/permit law in F.S. 372.57 to avoid conviction upon presentation of a validly issued license prior to court appearance. The Clerk of Court may impose a \$5.00 service fee in such cases. Revises F.S. 372.921 regarding exhibition of wildlife by adding amphibians to the category of animals for which a permit is required. Violation is a second-degree misdemeanor per F.S. 379.83. Amends criminal trespass law in F.S. 810.09(2)(g) to reflect the renumbering of the definitions of animals contained in F.S. 372.001. Repeals F.S. 370.0605, relating to saltwater fishing licenses, which section included criminal penalties for violations. **Effective July 1, 2003**, amends the elements of the second-degree misdemeanor offenses in F.S. 372.574 concerning subagents who sell hunting, fishing, and trapping licenses. **Effective Date: July 1, 2002, except as law provides otherwise.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1085er.pdf>

House Bill 1157 (Ch. 2002-163): Graffiti; Criminal Mischief; Parents; Guardians; Crimes and Penalties

Amends F.S. 806.13 to provide for minimum fines for graffiti-related criminal mischief of \$250 for first conviction, \$500 for second conviction, and \$1,000 for third or subsequent convictions. Also provides for mandatory community service and makes parents or guardians liable for the delinquents acts of their children or charges. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1157er.pdf>

Senate Bill 1178 (Ch. 2002-243): Traffic Control; Parking Permits; Disabled Persons; Department of Highway Safety and Motor Vehicles

Amends F.S. 320.0848 to state that a disabled person shall not be required to pay a fee for a parking permit more than once in a twelve-month period. The law also reduces the effective date of temporary disabled parking permits from one year to six months. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s1178er.pdf>

Senate Bill 1222 (Ch. 2002-30): Public Records; Newborn Infants; Parents

Amends F.S. 383.51, regarding the confidentiality of the identity of a parent leaving a newborn infant at a hospital or fire station, so that the law will also cover the identity of a parent leaving a newborn at an emergency medical services station. **Effective Date: April 16, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s1222er.pdf>

House Bill 1225 (Ch. 2002-251): Racing Contests; Motor Vehicles; Traffic Control; Crimes and Penalties

Amends F.S. 316.191 by reclassifying drag racing or other racing on public highways or in parking lots from a civil infraction to a misdemeanor offense. Drivers, persons riding in vehicles being raced, as well as persons otherwise participating in, coordinating, facilitating, or collecting money for such racing are equally culpable. An initial violation is a second-degree misdemeanor with a minimum fine of \$250 and one-year license suspension. A second offense within five years is a first-degree misdemeanor with a minimum fine of \$500 and a two-year license suspension. The court may order the vehicles used for unlawful racing impounded or immobilized. **Effective Date: October 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1225er.pdf>

House Bill 1243 (Ch. 2002-264): Fish and Wildlife Conservation Commission; Saltwater Fisheries; Fishing; Forfeiture; Law Enforcement Agencies; State Attorneys; Department of Legal Affairs; Hunting; Crimes and Penalties

This 66-page bill deals with a number of topics relating to saltwater fisheries and products. Revised F.S. 370.021(3), relating to the use of illegal nets, makes it a first-degree misdemeanor for first or second conviction of a person who has had his or her saltwater license privileges suspended or revoked and has participated in specified saltwater fishing or harvesting. Substantially reworded F.S. 370.061 lists procedures for the seizure and forfeiture of property used in

the illegal taking, or attempted taking, sale, possession, or transportation of saltwater products. This section also establishes conditions under which municipal and county law enforcement agencies may seize and forfeit illegally used property. The bill also repeals sections of law relating to prior forfeiture procedures and distribution of property and proceeds. New F.S. 370.07(4)(h) makes it a first-degree misdemeanor for any wholesale or retail dealer, or restaurant, to purchase or sell for public consumption any saltwater products that were known to have been taken illegally. Under F.S. 372.70, the State Attorney is to prosecute forfeiture proceedings under this chapter and the Department of Legal Affairs is to handle any appeals from judgment of forfeiture to the Supreme Court. Substantially rewords the law governing seizure and forfeiture of illegal hunting devices in F.S. 372.9901. New F.S. 372.99022 creates third-degree felony offenses for the illegal molestation of or theft from “freshwater fishing gear” that includes haul seines, slat baskets, wire traps, hoop nets, pound nets, and attached lines and buoys. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1243er.pdf>

Senate Bill 1268 (Ch. 2002-172): Florida State Boxing Commission; Physicians; Concessionaires; Background Checks; Crimes and Penalties

This 25-page bill relates to numerous topics concerning the Florida State Boxing Commission and a wide variety of competitions, including mixed martial arts and kickboxing. Revises the second-degree misdemeanor offense in F.S. 548.017 by requiring a “concessionaire” and attending physician to be licensed. Creates F.S. 548.021(3), making it a second-degree misdemeanor for a person to seek to obtain a license by false or fraudulent representations. New F.S. 548.024 requires background investigation of applicants for licensure and for the submission of fingerprint cards to FDLE and the FBI for processing to determine whether the applicant has a criminal history record. **Effective Date: April 24, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s1268er.pdf>

House Bill 1289 (Ch. 2002-292): Inmates; Department of Corrections; HIV Tests

Creates F.S. 945.355 that defines “HIV test” and requires the Department of Corrections (DOC) to perform an HIV test prior to the release of an inmate. Notice must be given to the Department of Health and to the county health department of the county of residence if the inmate is found to be HIV positive. Amends the confidentiality provisions in F.S. 945.10 to conform this section with the required notice to the Department of Health and appropriate county health departments about the presence of a released inmate who is HIV positive. Also revises F.S. 381.004 so that it will provide that informed consent

for HIV testing is not required before an inmate is released. New F.S. 944.704(4) and (5) require DOC to provide a written medical discharge plan to appropriate county health departments and to also provide transition assistance for released inmates who are HIV positive. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1289er.pdf>

Senate Bill 1350 (Ch. 2002-281): Elections; Contributions; Crimes and Penalties

This 24-page bill makes a number of changes to laws governing elections-related issues and there are a wide variety of effective dates for sections of this bill. **Effective July 1, 2002**, amends F.S. 106.09(2), regarding contributions by cash or cashier's check, by making the giving of, or acceptance of, a contribution in excess of \$5,000 in violation of this section a third-degree felony. **Effective Date: One year after the Legislature adopts a general appropriations act that will fund this bill, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s1350er.pdf>

House Bill 1357 (Ch. 2002-191): Law Enforcement Officers; Correctional Officers; Correctional Probation Officers; Firefighters; Death Benefits

Amends F.S.S. 112.19 and 112.191 by doubling the amount of the lump sum benefit to officers and firefighters who die during the line of duty. Also creates a system for increasing the lump sum payments based on the Consumer Price Index. In addition the law expands the waiver of educational expenses for the spouse of an officer or firefighter killed in the line of duty by offering postgraduate education benefits. (NOTE: Also see SB 176) **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1357er.pdf>

House Bill 1393 (Ch. 2002-208): Elderly Persons; Assault; Battery; Sentencing; Re-Enactment of Law; Crimes and Penalties

This bill addresses a non-final ruling by the Second District Court of Appeal that the Legislature violated the "single-subject" requirement for bills when it enacted an extensive "sentencing" law as Chapter 99-188. It held that by including two minor provisions relating to burglary of railroad vehicles and providing sentencing documents for aliens to INS, the balance of the bill could be enforced. This bill republishes and re-enacts the original language of Chapter 99-188 (House Bill 121, 1999 Legislature) concerning the mandatory minimum sentences in F.S. 784.08(1) for assault or battery on an elderly person. The bill is made retroactive to July 1, 1999, and requires the Governor's Office to place public service announcements explaining the penalties provided in the law. **Effective Date: April 29, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1393er.pdf>

House Bill 1395 (Ch. 2002-209): Law Enforcement Officers; Assault; Battery; Sentencing; Re-Enactment of Law; Crimes and Penalties

This bill addresses a non-final ruling by the Second District Court of Appeal that the Legislature violated the “single-subject” requirement for bills when it enacted an extensive “sentencing” law as Chapter 99-188. It held that by including two minor provisions relating to burglary of railroad vehicles and providing sentencing documents for aliens to INS, the balance of the bill could be enforced. This bill republishes and re-enacts the original language of Chapter 99-188 (House Bill 121, 1999 Legislature) relating to the mandatory minimum sentences in F.S. 784.07(2) for aggravated assault or aggravated battery of a law enforcement officer. The bill is made retroactive to July 1, 1999, and requires the Governor’s Office to place public service announcements explaining the penalties provided in the law. **Effective Date: April 29, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1395er.pdf>

House Bill 1397 (Ch. 2002-210): Violent Felons; “Three-Strikes Law”; Sentencing; Re-Enactment of Law; Crimes and Penalties

This bill addresses a non-final ruling by the Second District Court of Appeal that the Legislature violated the “single-subject” requirement for bills when it enacted an extensive “sentencing” law as Chapter 99-188. It held that by including two minor provisions relating to burglary of railroad vehicles and providing sentencing documents for aliens to INS, the balance of the bill could be enforced. This bill republishes and re-enacts the original language of Chapter 99-188 (House Bill 121, 1999 Legislature) that governs the “Three Strike Felony Offender Act” in F.S. Chapter 775. The bill is made retroactive to July 1, 1999, and requires the Governor’s Office to place public service announcements explaining the penalties provided in the law. **Effective Date: April 29, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1397er.pdf>

House Bill 1399 (Ch. 2002-211): Prison Releasee Reoffenders; Repeat Sexual BATTERERS; Sentencing; Re-Enactment of Law; Crimes and Penalties

This bill addresses a non-final ruling by the Second District Court of Appeal that the Legislature violated the “single-subject” requirement for bills when it enacted an extensive “sentencing” law as Chapter 99-188. It held that by including two minor provisions relating to burglary of railroad vehicles and providing sentencing documents for aliens to INS, the balance of the bill could be enforced. This bill republishes and re-enacts the original language of Chapter 99-188 (House Bill 121, 1999 Legislature) as it related to “Prison

Releasee Reoffenders” in F.S. Chapter 775 and the creation of enhanced penalties for “Repeat Sexual Batterers” in F.S. Chapter 794. The bill is made retroactive to July 1, 1999, and requires the Governor’s Office to place public service announcements explaining the penalties provided in the law. **Effective Date: April 29, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1399er.pdf>

House Bill 1401 (Ch. 2002-212): Controlled Substances; Drug Trafficking; Sentencing; Re-Enactment of Law; Crimes and Penalties

This 84-page bill addresses a non-final ruling by the Second District Court of Appeal that the Legislature violated the “single-subject” requirement for bills when it enacted an extensive “sentencing” law as Chapter 99-188. It held that by including two minor provisions relating to burglary of railroad vehicles and providing sentencing documents for aliens to INS, the balance of the bill could be enforced. This bill republishes and re-enacts the original language of Chapter 99-188 (House Bill 121, 1999 Legislature) as it related to the extensive changes made to the controlled substance and drug trafficking laws in F.S. Chapter 893. The bill is made retroactive to July 1, 1999, and requires the Governor’s Office to place public service announcements explaining the penalties provided in the law. **Effective Date: April 29, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1401er.pdf>

House Bill 1407 (Ch. 2002-21): Capitol Police; Florida Department of Law Enforcement; Department of Management Services; Law Enforcement Officers

Amends F.S. 20.201 and creates new sections in F.S. Chapter 943 that transfer the Division of Capitol Police from the Florida Department of Management Services to the Florida Department of Law Enforcement. FDLE is charged with providing police services, security, and protection for the “Capitol Complex” in Tallahassee and establishes FDLE’s duties and responsibilities, including the development of operational security plans for the “Capitol Complex,” in consultation with the Governor, Cabinet, and Legislative leadership. Provides for a Director of Capitol Police to be appointed by the Commissioner of FDLE and approved by the Governor and Legislature. Also provides that a state or local law enforcement officer may be authorized to act as an agent of the Capitol Police. The Department of Management Services is charged with contracting for building security and fire safety for other state-related properties in the state. **Effective Date: April 11, 2002, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1407er.pdf>

House Bill 1423 (Ch. 2002-192): School Safety Zone; Loitering; Crimes and Penalties

Creates F.S. 810.0975 that defines the term "school safety zone." The law prohibits certain persons from entering or loitering within a school safety zone and makes it a second-degree misdemeanor to violate the law. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1423er.pdf>

House Bill 1447 (Ch. 2002-255): Warrantless Arrest; Assault; Battery; Law Enforcement Officers; Firefighters; Emergency Medical Care Providers; Public Transit Employees/Agents; Receiving Facility; Conditional Release Violators; Parole Violators; Crimes and Penalties

Creates F.S. 901.15(16) to permit a law enforcement officer to make a warrantless arrest of a person when there is probable cause for the officer to believe that the perpetrator has committed an assault upon a law enforcement officer, a firefighter, an emergency medical care provider, a public transit employee or agent, or other persons specified in F.S. 784.07. Under this new section an officer may also make a warrantless arrest if the officer has probable cause to believe a perpetrator has committed assault or battery upon any employee of a receiving facility, as defined in F.S. 394.455, while the employee is engaged in the lawful performance of duty. Adds subsection (7) to F.S. 947.141 that will allow a law enforcement officer to make a warrantless-arrest if the officer has probable cause to believe that an offender who is on release supervision under specified sections of law has violated the terms and conditions of release by committing a felony. Also adds subsection (3) to F.S. 947.22 to allow a law enforcement officer to make a warrantless arrest of a parolee if the officer has probable cause to believe that the parolee has violated the terms and conditions of parole. **Effective Date: October 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1447er.pdf>

House Bill 1475 (Ch. 2002-234): "Underground Facility Damage Prevention and Safety Act"; Crimes and Penalties

Revises the second-degree misdemeanor language in F.S. 556.107 by specifying that it is an offense to remove or otherwise destroy a "valid" stake or "valid" described physical marking. **Effective Date: October 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1475er.pdf>

Senate Bill 1636 (Ch. 2002-32): Department of Corrections; Jail; Prisoners

Amends F.S. 944.02, F.S., by defining "prisoner" as "any person who is under civil or criminal arrest and in the lawful custody of any law enforcement official, or any person committed to or detained in any municipal or county jail

or state prison, prison farm, or penitentiary, or to the custody of the department pursuant to lawful authority.” **Effective date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s1636er.pdf>

House Bill 1641 (Ch. 2002-205): Criminal Justice Standards and Training Commission; Law Enforcement Officers; Florida Department of Law Enforcement; Weapons and Firearms; Firearms Purchase Program

As part of this 20-page bill addressing a number of topics related to law enforcement training, amends F.S. 943.12 by requiring the Criminal Justice Standards and Training Commission to conduct inquiries of criminal justice training instructors and revises F.S. 943.13 to authorize physician assistants to conduct medical screenings of persons for condition of law enforcement employment. Amends F.S. 943.131 providing that as a condition of temporary employment an applicant must demonstrate proficiency in the high-liability areas, must complete requirements of F.S. 943.13(10) within 180 days after receiving an exemption and, if not, the applicant must complete a commission-approved basic recruit training program. Deletes requirement providing for a remediation program for certain officers. Revises F.S. 943.14 allowing the employing agency to submit to the criminal justice training school a letter stating the date of fingerprints were taken of the applicant and a summary of the applicants criminal history check based on the fingerprints along with a certification that the applicant is qualified to enroll in the basic recruit training program. Amends F.S. 943.17 and F.S. 943.175 relating to specialized training and revises F.S. 943.22 clarifying authority for accreditation. **Effective April 29, 2002**, repeals the sunset of the Firearm Purchase Program in F.S. 790.065 by extending the program for 2 years until June 1, 2004. **Effective Date: July 1, 2002, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1641er.pdf>

Senate Bill 1656 (Ch. 2002-246): Sexual Assault Counselor; Victims; Rape Crisis Center; Evidence; Crimes and Penalties

Amends F.S. 90.5035 by adding a definition of “trained volunteer” in regards to persons who work with victims at rape crisis centers. Also provides that a sexual assault victim has a privilege to refuse to disclose, and prevent any other person from disclosing, a confidential communication between the victim and a “trained volunteer.” Revises the second-degree misdemeanor offense in F.S. 794.024(1), regarding improper release of the identity of a sexual offense victim, by permitting a public officer or employee to inform a rape crisis center or sexual assault counselor of the identity of a victim. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s1656er.pdf>

House Bill 1673 (Ch. 2002-256): Public Records; Social Security Numbers; Official Records; County Recorder; Governmental Agencies; Crimes and Penalties

This 9-page bill creates F.S. 119.072 that makes all social security numbers held by an agency confidential and exempt from public records release as of October 1, 2002. Also specifies circumstances under which and to whom social security numbers may be released. Any person who makes a false representation in order to obtain a social security number pursuant to this section, or any person who willfully and knowingly violates this law commits a third-degree felony. Creates duties for County Recorders regarding inclusion of social security numbers in official county documents. Directs that a governmental agency shall not collect an individual's social security number unless it is authorized by law to do so or unless the collection of the number is imperative for the performance of the agency's duties and responsibilities as prescribed by law. Beginning January 31, 2004, and each January 31 thereafter, each governmental agency must file a report with specified entities that lists the identity of all commercial entities that have requested social security numbers during the preceding calendar year with the specific purpose for the need for release specified, if available. [NOTE: This statute will likely be renumbered at a later date as there already was an F.S. 119.072 in existence at the time this section was created. Also see related topics in SB 24-E.] **Effective Date: May 13, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1673er.pdf>

House Bill 1675 (Ch. 2002-257): Public Records; Personal Account Information; Financial Account Information; Governmental Agencies; Repeals

Creates F.S. 119.07(3)(ee), making bank account numbers and debit, charge, and credit card numbers held by a governmental agency exempt from public records release. Also repeals F.S. 119.07(3)(z) that had provided an exemption from public records release of a less extensive category of personal account records. (NOTE: It is possible that the new subsection could be renumbered due to conflict with numbering in HB 735. Also see related topics in SB 24-E.) **Effective Date: May 13, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1675er.pdf>

House Bill 1679 (Ch. 2002-302): Public Records; Study Commission on Public Records; Court Records; Official Records; Clerk of Court; County Recorder; Electronic Records; Internet

Creates a Study Committee on Public Records to address issues of privacy and public access as they relate to the collection and dissemination of the wide variety of information contained in court records and other official records. Also amends F.S. 28.2221 relating to electronic access to official records by providing limitations on the posting of specified public records, especially those involving a Clerk of Court or County Recorder. **Effective Date: June 5, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1679er.pdf>

House Bill 1681 (Ch. 2002-295): Department of Agriculture and Consumer Services; Department of Transportation; Motor Vehicles; Consumer Protection; Agricultural Commodities; Fires; Traffic Control; Law Enforcement Officers; "T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act"; Off-Highway Vehicles; ATVs; Department of Highway Safety and Motor Vehicles; Vehicle Titles; Forfeiture; Department of State; Concealed Weapons Permits; Private Investigators; Crimes and Penalties

This 92-page bill creates many new duties for the Department of Agriculture and Consumer Services (DACS). In amending F.S. 316.515 concerning width, height, and length of vehicles gives the Department of Transportation the right to issue permits for certain cotton module movers. Amends F.S. 501.160 to permit DACS to enforce violations of consumer protection laws in F.S. 501.160. Increases the penalty for violation of agricultural commodity marketing in F.S. 573.124 to a third-degree felony. Revises the penalty in F.S. 590.11 governing recreational fires by making a violation a second-degree misdemeanor. Expands the traffic enforcement jurisdiction of DACS officers in F.S. 316.640 and general law enforcement jurisdiction and authority, including the power to serve process and seize contraband, for the same officers in F.S. 570.073.

New F.S. Chapter 261 provisions create the "T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act" to govern the use of off-highway vehicles and ATVs under in a program administered by DACS. Redefines "all-terrain vehicle" in F.S. 316.2074 and establishes that an ATV may not be operated upon a public road, street, or highway in Florida unless such is permitted by this section of law or by the managing state or federal agency. Law enforcement officers are given specific authority to operate a four-wheeled ATV on public roads within public lands when such is in the course and scope of their duties. Creates new Chapter 317 that will require all ATVs purchased after July 1, 2002, to be titled through the Department of Highway Safety and Motor Vehicles. Under the new provisions in Chapter 317, it is a third-degree felony for an off-highway vehicle manufacturer, manufacturer's representative, or dealer to issue a certificate of origin knowing that such is false. It is also a third-degree felony for any person to obtain or attempt to obtain a certificate of origin with knowledge that its description is false or that the vehicle does not exist. Also creates third-degree felonies and right of forfeiture in Section 66 of

the bill that relates to illegal acts involving titles to off-highway vehicles. Violation of Sections 55 through 66 of this bill, when a penalty is not otherwise specified, are nonmoving traffic infractions as provided in F.S. 318.18. **Effective January 3, 2003**, the Division of Licensing of the Department of State, which division is responsible, for example, for the issuance of concealed weapons permits in F.S. 790.06 and the licensing of private investigators in F.S. Chapter 493, will be transferred to DACS. [NOTE: See House Bill 261 for some similar topic areas.] **Effective Date: July 1, 2002, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1681er.pdf>

Senate Bill 1766 (Ch. 2002-174): “Kimberlin West Act of 2002”; Shaken Children; Child Abuse; Adult Abuse; Evidence; Privileged Communications; Law Enforcement Officers

Creates tentatively-numbered F.S. 411.233 that requires every hospital, birthing facility, and provider of home birthing services to provide to parents of newborn children written information about the dangers of shaking infants and young children. Amends the privileged communications provisions in F.S. 39.204, regarding child abuse, and F.S. 415.1045(3), regarding adult abuse, by abrogating the listed privileges because of the failure of a person being investigated to fail to cooperate with investigating law enforcement agencies. **Effective Date: April 24, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s1766er.pdf>

House Bill 1819 (Ch. 2002-176): “Scanner’s Law”; Guide Dogs; Service Animals; Restitution; Physically Disabled Persons; Crimes and Penalties

Creates tentatively numbered F.S. 413.081 that makes it a second-degree misdemeanor for a first offense and first-degree misdemeanor for any subsequent offense for any person who, with reckless disregard, interferes, or permits a dog that he or she owns or is in the immediate control of to interfere with the use of a guide dog or service animal by obstructing, intimidating or jeopardizing the safety of the animal or its user. Any person who, with reckless disregard injures or kills, or permits a dog that he or she owns or has immediate control of to injure or kill, a guide dog or service animal is guilty of a misdemeanor of the first degree. Any person who intentionally injures or kills, or permits a dog that he or she owns or has immediate control of to injure or kill, a guide dog or service animal is guilty of a felony of the third degree.

Any person who is convicted of the foregoing must, in addition to any other penalty, make full restitution for all incidental and consequential damages incurred by the guide dog or service animal’s user. Restitution includes the animal’s value, replacement and training or retraining costs, veterinary and other medical and boarding expenses for the animal, medical expenses for the

user, and lost wages and income incurred by the user during any period that the user is without the services of such an animal. The new language defines "guide dog" as a dog that is used for seeing-eye or hearing-ear purposes. "Service animal" is defined to include animals trained to assist or accommodate any disabled person's sensory, mental, or physical disability. The bill also amends F.S.413.08 that governs the right of physically disabled persons to use guide dogs or service dogs. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1819er.pdf>

House Bill 1841 (Ch. 2002-206): Insurance; Crimes and Penalties

As part of this 104-page bill concerning insurance-related laws, increases the penalty for representing a false insurer in F.S. 626.902 from a second-degree misdemeanor to a third-degree felony. Also creates, in the same section, a second-degree felony for subsequent violations of this section of law. In F.S. 626.561, deletes "solicitors" from this section of law governing reporting and accounting for funds. References to "solicitors" are deleted from many other sections of insurance-related laws. **Effective Date: October 1, 2002, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1841er.pdf>

Senate Bill 1842 (Ch. 2002-197): Elections; Political Contributions; Crimes and Penalties

By adding language to F.S. 106.08(5) regarding contributions by candidates, political committees, or political parties, creates a new first-degree misdemeanor in F.S. 106.08(7). (NOTE: See SB 618.) **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s1842er.pdf>

Senate Bill 1916 (Ch. 2002-260): Bail Bond Agents; Licenses; Collateral; Crimes and Penalties

As part of this 40-page bill relating to bail bond agencies and agents, amends F.S. 648.25 to eliminate the concept of a bail bond "runner" and to require that a "temporary bail bond agent" be accompanied by a supervising bail bond agent or an agent from the same agency. Revises the third-degree felony offenses in F.S. 648.30 by revising some of the elements regarding licensure and appointment. Amends F.S. 648.355(3) regarding temporary bail bond licenses and temporary bail bond licensee duties. Creates language in F.S. 648.44(1) to prohibit: (c) in-person and telephone solicitation between 9 pm and 8 am at the residence of a detainee or a detainee's family in domestic violence cases; (o) the attempt to collect amounts due through threat or coercion; or (p) conducting

business with persons other than defendants on the grounds of a jail or courthouse for the purpose of executing a bond. Violation of any of the aforementioned new provisions is a first-degree misdemeanor. Creates a new third-degree felony in F.S. 648.442(8) regarding collateral security requirements. Revises some of the elements of F.S. 648.571 governing the failure to return collateral to a client and adds an administrative fine penalty to any other criminal or other penalty for violating this section. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s1916er.pdf>

Senate Bill 1926 (Ch. 2002-11): Citrus Canker; Infected/Infested Trees; Search Warrants; Sheriffs; Law Enforcement Officers; Department of Agriculture and Consumer Services; Crimes and Penalties

Amends F.S. 581.184 to authorize the Department of Agriculture and Consumer Services to issue orders to property owners for removal and destruction of infected or exposed citrus trees. Requires the chief county law enforcement officer to assist the Department, upon request, with entry onto private property and to preserve the peace while trees are being eradicated. Amends F.S. 933.02 to authorize the Department to seek search warrants if property is being held or possessed in violation of citrus canker quarantine or subject to citrus canker inspection, treatment, or eradication. A Judge must afford affected property owners notice and opportunity to be heard in a court proceeding prior to the issuance of the search warrant. **Effective Date: March 18, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s1926er.pdf>

House Bill 1935 (Ch. 2002-258): Controlled Substances; Evidence; Legislative Intent; Crimes and Penalties

Creates F.S. 893.101 to address the rulings by the Florida Supreme Court in Scott v. State, Slip Opinion No. SC94701 (Fla. 2002), and Chicone v. State, 684 So.2d 736 (Fla. 1996), that held that the state must prove that a defendant knew of the illicit nature of a controlled substance found in the defendant's actual or constructive possession. The Legislature has determined that these decisions are contrary to legislative intent and that lack of knowledge is not an element of a F.S. Chapter 893 violation but is an affirmative defense to the offense charged. Also establishes a permissive presumption that the possessor knew of the illicit nature of the substance and provides for corresponding jury instructions. **Effective Date: May 13, 2002.**

<http://www.leg.state.fl.us/data/session/2002/House/bills/billtext/pdf/h1935er.pdf>

Senate Bill 1974 (Ch. 2002-56): Courts; Victims; Restitution; Clerk of Court; Crimes and Penalties

Creates F.S. 960.0021 that provides that the court advise a victim of a crime of the victim's rights and amends F.S. 960.001(1)(j) by requiring the clerk of court, in cases when a restitution order has been converted to a civil lien or civil judgment, to make specified information available to crime victims. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s1974er.pdf>

Senate Bill 2158 (Ch. 2002-36): Sexually Violent Offenders; Habeas Corpus; Department of Legal Affairs; Civil Liability

Creates F.S. 394.9215 that establishes habeas corpus procedures for sexually violent offenders who have received involuntary civil commitments under F.S. Chapter 394. Also amends F.S. 394.923 by extending civil liability immunity to members of the Department of Legal Affairs for good faith conduct in duties relating to involuntary civil sexually violent offender commitments. **Effective Date: July 1, 2002.**

<http://www.leg.state.fl.us/data/session/2002/Senate/bills/billtext/pdf/s2158er.pdf>

2002 SPECIAL SESSION "E" BILLS OF INTEREST

House Bill 3-E (Ch. 2002-404): Governmental Reorganization; Chief Financial Officer; Department of Financial Services; Department of Banking and Finance; Department of Insurance; Firefighters; "Florida Firefighters Occupational Safety and Health Act"; Division of Fire Marshal; Crimes and Penalties

In accordance with revisions to the Florida Constitution concerning governmental and cabinet reorganization that become effective on January 7, 2003, this 73-page bill substantially rewrites a number of laws relating to the current Department of Banking and Finance (DBF) and Department of Insurance. Creates the Department of Financial Services as a substitute for many of the functions of DBF and establishes a Chief Financial Officer as the head of the new department. New F.S.S. 633.801-633.821 are titled the "Florida Firefighters Occupational Safety and Health Act." The intent of these new sections of law is to enhance the safety of firefighters through the implementation and maintenance of policies, procedures, and standards to reduce the number of firefighter accidents, diseases, and fatalities. Civil penalties may be assessed against firefighter employers who violate the law per F.S. 633.811. Creates second-degree misdemeanors in F.S. 633.815 for firefighter employers who fail to admit specified representatives; in F.S. 633.818 for firefighter employers who make false statements to insurers; and in F.S.

633.819 for making false statements to the Division of Fire Marshal. **Effective Date: June 12, 2002, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2002E/House/bills/billtext/pdf/h0003Eer.pdf>

Senate Bill 20-E (Ch. 2002-387): Schools; Department of Education; “Florida K-20 Education Code”; Florida School for the Deaf and Blind; Truancy; Vertebrate Fossils; Instructional Materials; Test Security; Financial Aid; Contractors; Repeals; Crimes and Penalties

This 1,786-page bill rewrites and/or transfers provisions of law concerning all levels of public and private schools, as well as laws relating to the Department of Education, to new Chapters 1001 through 1013 and in doing so repeals a number of current chapters and sections of law. Many of the current laws that establish crimes and penalties are recreated in the same form in the new laws. For example, all of the following misdemeanor violations are moved to and recreated in new chapters of law.

For example, improper actions concerning public television in F.S. 229.805 are recreated in F.S. 1001.26. Crimes regarding the Florida School for the Deaf and Blind in Chapter 242 are recreated in F.S. 1002.36. The requirement of private schools to submit an annual database survey from F.S. 229.808 is recreated in F.S. 1002.42. The violation for failure to submit attendance records/reports in F.S. 232.021 is repeated in new F.S. 1003.23. Procedures and penalties for habitual truancy cases are moved from F.S. 232.19 to F.S. 1003.27. The penalty for illegal acts relating to vertebrate fossils is transferred from F.S. 240.5162 to F.S. 1004.576. The prohibition against disturbing school functions in F.S. 231.07 is recreated in F.S. 1006.145. Violations relating to manufacturers and school purchasers of instructional materials are transferred from F.S. 233.115 to F.S. 1006.32. The test security violation laws in F.S. 228.301 are now in F.S. 1008.24. Violations regarding falsification of information when applying for financial aid is transferred from F.S. 240.404 to F.S. 1009.40. The requirement for school officers to turn over money to successors is moved from F.S. 228.111 to F.S. 1012.25. Contractor requirements in F.S. 235.32 are recreated in F.S. 1013.47. Many other sections of current law are revised to reflect the correct statutory cross-references to the newly enacted laws. **Effective Date: January 7, 2003, except as bill provides otherwise.**

<http://www.leg.state.fl.us/data/session/2002E/Senate/bills/billtext/pdf/s0020Eer.pdf>

Senate Bill 24-E (Ch. 2002-391): Public Records; Veterans; Attorneys; Guardians; Social Security Numbers; Financial Account Information; Clerk of Court; County Recorder; Court Records; Official Records; Repeals

Creates tentatively-numbered F.S. 295.186 that establishes procedures for a United States Armed Forces veteran, or a widow/widower, attorney, personal representative, executor, or court-appointed guardian of such veteran, to request that a County Recorder remove specified military-related forms from the official records without cost to the person making the request. The County Recorder must also acknowledge the removal of the form in writing to the requestor. Also enacts tentatively-numbered F.S. 119.07(e)(ff) that revises a public records exemption created in the regular 2002 Session in House Bills 1673 and 1675. Until January 1, 2006, if a social security number or specified financial account number information has been included in a court file, such information may be included as part of the court record available for inspection and copying unless redaction of such information is requested by the holder of such number(s), or by the attorney or guardian for such holder. No fee may be charged by the Clerk of Court for the redaction of such information. Any person who prepares or files a document to be recorded in the official records by the county recorder may not include social security or other specified financial account numbers unless otherwise provided by law. Until January 1, 2006, such number(s) may be released unless redaction of such information, including information posted on the Internet, has been requested by the holder of such number(s), or by the attorney or guardian of such holder. No fee may be charged by the County Recorder for such redaction. Subsections (3) and (4) of the law created by House Bill 1673 will not apply to a Clerk of Court or County Recorder as of the effective date of this bill. As of January 1, 2006, the Clerk of Court and County Recorder must keep social security numbers and specified financial account numbers confidential and exempt. Also repeals subsection (5) of the statute created by House Bill 1673. [NOTE: See House Bills 1673 and 1675 for related topics.] **Effective Date: May 30, 2002.**

<http://www.leg.state.fl.us/data/session/2002E/Senate/bills/billtext/pdf/s0024Eer.pdf>

House Bill 71-E (Ch. 2002-386): Child Abuse; Adult Abuse; Falsifying Records; Department of Children and Family Services; State Agencies; Employers and Employees; Juveniles; Vulnerable Adults; Crimes and Penalties

Amends the falsifying records law in F.S. 839.13(1) by adding an “employee or agent of or contractor with a public agency” to the categories of persons who are subject to the first-degree misdemeanor penalty for falsifying or avoiding records, process, etc., among other listed prohibitions. New F.S. 839.13(2)(a) makes it a third-degree felony for any person to knowingly falsify “by altering, destroying, defacing, overwriting, removing, or discarding an official record relating to an individual in the care and custody of a state agency, which act has the potential to detrimentally affect the health, safety, or welfare of that individual.” As used in the law, “care and custody” include, for example, a child

abuse protective investigation, protective supervision, foster care and related services, or a protective investigation or protection supervision of a vulnerable adult. Per new F.S. 839.13(2)(b), any person who commits a violation of subsection (2)(a) “which contributes to great bodily harm to or the death of an individual in the care and custody of a state agency” commits a second-degree felony. F.S. 839.13(2)(c) makes it a third-degree felony for any person to knowingly falsify “by altering, destroying, defacing, overwriting, removing, or discarding records of the Department of Children and Family Services or its contract provider with the intent to conceal a fact material to a child abuse protective investigation, protective supervision, foster care and related services, or a protective investigation or protective supervision of a vulnerable adult.” The new law does permit the disposing or archiving of records as otherwise provided by law and does not prohibit any person from correcting or updating records.
Effective Date: May 15, 2002.

<http://www.leg.state.fl.us/data/session/2002E/House/bills/billtext/pdf/h0071Eer.pdf>

**BILL NUMBER TO CHAPTER NUMBER CONVERSION TABLE
2001 LEGISLATURE--SPECIAL SESSION "C"**

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**CHAPTER NUMBER TO BILL NUMBER CONVERSION TABLE
2001 LEGISLATURE--SPECIAL SESSION "C"**

<u>CHAPTER</u>	<u>BILL NUMBER</u>	<u>CHAPTER</u>	<u>BILL NUMBER</u>
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EFFECTIVE DATES OF 2001 SPECIAL SESSION "C" LAWS

EFFECTIVE DECEMBER 10, 2001

Bill # (Chapter #)	Bill # (Chapter #)	Bill # (Chapter #)
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CS/SB 18-C (2001-362)	CS/SB 20-C (2001-363)	CS/SB 22-C (2001-364)
SB 24-C (2001-365)	SB 26-C (2001-366)	

EFFECTIVE DATES OF 2002 LAWS
2002 REGULAR SESSION AND 2002 SPECIAL SESSION "E"
Bills/Chapters Marked With An Asterisk (*) Have Multiple Effective Dates
Please See Summaries for Details

EFFECTIVE PRIOR TO JULY 1, 2002

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SB 148 (2002-50)	SB 1002 (2002-51)	HB 1641* (2002-205*)
SB 358 (2002-179)	SB 1222 (2002-30)	HB 1673 (2002-256)
SB 408 (2002-75)	SB 1262 (2002-269)	HB 1675 (2002-257)
SB 426 (2002-218)	SB 1268 (2002-172)	HB 1679 (2002-302)
SB 522 (2002-235)	HB 1393 (2002-208)	SB 1766 (2002-174)
SB 618 (2002-17)	HB 1395 (2002-209)	SB 1926 (2002-11)
HB 727 (2002-43)	HB 1397 (2002-210)	HB 1935 (2002-258)
HB 735 (2002-67)	HB 1399 (2002-211)	HB 3-E (2002-404*)
HB 777 (2002-68)	HB 1401 (2002-212)	SB 20-E [2002-387]
HB 811 (2002-190)	HB 1407 (2002-21)	SB 24-E [2002-391]
SB 954 (2002-169)	HB 1439 (2002-72)	HB 71-E [2002-386]

EFFECTIVE JULY 1, 2002

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SB 90 (2002-266)	HB 565 (2002-161)	HB 1243 (2002-264)
SB 108 (2002-236)	SB 570 (2002-297)	HB 1289 (2002-292)
SB 140 (2002-284)	SB 612 (2002-78)	SB 1350* (2002-281*)
HB 163 (2002-159)	SB 622 (2002-79)	HB 1357 (2002-191)
SB 176 (2002-232)	SB 640 (2002-81)	HB 1423 (2002-192)
SB 188 (2002-74)	SB 682 (2002-196)	HB 1427 (2002-193)
SB 196 (2002-215)	HB 841 (2002-58)	SB 1636 (2002-32)
HB 219 (2002-60)	HB 861 (2002-70)	HB 1641* (2002-205*)
HB 261* (2002-20*)	HB 893 (2002-53)	SB 1656 (2002-246)
SB 266 (2002-23)	HB 949 (2002-59)	HB 1681* (2002-295*)
SB 332 (2002-24)	SB 998 (2002-28)	HB 1819 (2002-176)
SB 366 (2002-217)	HB 1057 (2002-263)	SB 1842 (2002-197)
HB 417 (2002-7)	HB 1085* (2002-46*)	SB 1916 (2002-260)
SB 432 (2002-25)	HB 1157 (2002-163)	SB 1974 (2002-56)
HB 489 (2002-41)	SB 1178 (2002-243)	SB 2158 (2002-36)
HB 561 (2002-6)		

EFFECTIVE OCTOBER 1, 2002

Bill # (Chapter #)	Bill # (Chapter #)	Bill # (Chapter #)
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HB 261* (2002-20*)	SB 520 (2002-259)	HB 1225 (2002-251)
SB 264 (2002-14)	HB 549 (2002-65)	HB 1447 (2002-255)
HB 285 (2002-40)	SB 626 (2002-80)	HB 1475 (2002-234)
HB 287 (2002-61)	SB 716* (2002-55*)	HB 1841 (2002-206)
SB 306 (2002-178)	HB 835 (2002-162)	

EFFECTIVE JANUARY 1, JANUARY 3, AND JANUARY 7, 2003

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SB 716* (2002-55*)-1/1/03	HB 1681*(2002-295*)-1/3/03	HB 3-E [2002-404*]-1/7/03

EFFECTIVE JULY 1, 2003

Bill # (Chapter #)	Bill # (Chapter #)	Bill # (Chapter #)
HB 261* (2002-20*)	SB 1020 (2002-170)	HB 1085* (2002-46*)

**BILL NUMBER TO CHAPTER NUMBER CONVERSION TABLE
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SB 366.....	2002-217	HB 1397	2002-210
CS/SB 408.....	2002-75	HB 1399	2002-211
CS/HB 417.....	2002-7	HB 1401	2002-212
CS/SB 426.....	2002-218	CS/HB 1407.....	2002-21
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CS/CS/SB 522	2002-235	CS/HB 1475.....	2002-234
CS/HB 549.....	2002-65	SB 1636.....	2002-32
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HB 565	2002-161	CS/CS/SB 1656.....	2002-246
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CS/SB 682.....	2002-196	CS/HB 1841.....	2002-206
SB 716.....	2002-55	CS/SB 1842.....	2002-197
HB 727	2002-43	CS/SB 1916.....	2002-260
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HB 835 2002-162
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HB 861 2002-70
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SB 24-E..... 2002-391
HB 71-E..... 2002-386

**CHAPTER NUMBER TO BILL NUMBER CONVERSION TABLE
2002 REGULAR SESSION AND 2002 SPECIAL SESSION "E"**

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2002-17.....	CS/SB 618	2002-191.....	CS/HB 1357
2002-20.....	CS/HB 261	2002-192.....	HB 1423
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2002-24.....	SB 332	2002-197.....	CS/SB 1842
2002-25.....	CS/CS/SB 432	2002-205.....	CS/HB 1641
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2002-51.....	CS/SB 1002	2002-218.....	CS/SB 426
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2002-55.....	SB 716	2002-234.....	CS/HB 1475
2002-56.....	CS/CS/SB 1974	2002-235.....	CS/CS/SB 522
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