

**2009 LEGISLATIVE SUMMARY
LAWS OF INTEREST TO FLORIDA LAW ENFORCEMENT**

FINAL VERSION: The Governor has completed action on all of the summarized bills. The Index, Conversion Tables, and Effective Date Table have been updated to reflect the vetoes of SB 166 [Public Records: Property Donors] and HB 7093 [Public Records: Telecommunications & Broadband Companies] that appeared in the June 22 Version.

This Legal Bulletin contains brief summaries of most laws of interest to the Florida law enforcement community that were passed during the regular session of the 2009 Florida Legislature. Since this document contains only summaries, you should read the entire content of any law in which you have particular interest by clicking the hyperlink addresses as furthered explained below. At the end of the summaries you will find an index to help you locate laws by subject, tables to help you cross-reference bill numbers to their chapter law numbers, and indications of the laws' effective dates. *Due to differences in printers and screen settings, the index page number references are accurate only when the Summary is printed in hard copy using the Word Version.*

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

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

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

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

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

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

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

FLORIDA DEPARTMENT OF LAW ENFORCEMENT
OFFICE OF GENERAL COUNSEL



2009 LEGISLATIVE SUMMARY

House Bill 29 (Ch. 2009-159): Utility Services; Theft; Dwellings; Structures; Leases; Evidence; Controlled Substances; Crimes and Penalties

Amends F.S. 812.14 by adding a separate first-degree misdemeanor violation [F.S. 812.14(5)] for a person or entity that owns, leases, or subleases a property to permit a tenant or occupant of a dwelling or structure to use utility services knowing that such services were connected in violation of any of the provisions of F.S. 812.14(2). Establishes as *prima facie* evidence of the intent to violate this new subsection if the premises is being used to cultivate or manufacture a controlled substance intended for distribution, the premises has been visibly modified to grow cannabis indoors, or if the offender knew or reasonably believed the dwelling or structure contained a controlled substance or materials for manufacture of a controlled substance. Also adds a separate first-degree misdemeanor violation in F.S. 812.14(8) for theft of utility services for the purpose of manufacture of a controlled substance while also establishing a *prima facie* evidence standard for violating this new subsection. ***Effective Date: October 1, 2009.***

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h002905er.pdf>

House Bill 57 (Ch. 2009-102): Law Enforcement Explorers; Assault; Battery; Sheriffs; Law Enforcement Agencies; Sentencing; Crimes and Penalties

Amends F.S. 784.07 by adding "law enforcement explorer" to the list of officers and other persons against whom assault or battery convictions are subject to enhanced sentencing penalties. The bill defines "law enforcement explorer" as a member of a law enforcement agency's explorer program performing non-sworn agency duties while wearing a uniform displaying at least one agency insignia and under the direct supervision of a sworn officer. ***Effective Date: October 1, 2009.***

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h005703er.pdf>

House Bill 115 (Ch. 2009-194): Sexual Offenders; Sexual Predators; Libraries; Internet; Online Predators; Law Enforcement Agencies; Sheriffs; Minors; Computer Pornography; Harmful Material Transmissions; Telephone Numbers; Jurisdiction; Crimes and Penalties

This 21-page bill deals with a number of issues concerning sexual offenders and sexual predators. New F.S. 257.12(3) encourages public libraries to adopt an Internet safety

education program that is endorsed by a government-sanctioned law enforcement agency or other reputable public safety advocacy organization and is designed for children and adults to promote prudent online use and to broaden awareness of online predators. Amends F.S.S. 775.21, 943.0435, 944.606, 944.607, and 985.481 to require that sexual predators and sexual offenders provide their home telephone and any cellular telephone numbers, and changes to such, during the registration and re-registration processes. It is a third degree felony violation for failure to do so. Revises F.S. 847.0135, governing computer pornography, and F.S. 847.0138, concerning transmission of material harmful to minors, by deleting the requirement that the perpetrator of such activities believe that the materials are being transmitted to a victim in Florida. This will greatly expand the ability to prosecute for violations of these laws. **Effective Date: July 1, 2009.**

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h011503er.pdf>

House Bill 123 (Ch. 2009-160): Human Smuggling; Crimes and Penalties

Creates F.S. 787.07, making it a first-degree misdemeanor for a person to transport an individual into Florida if the offender knew, or should have known, that the individual was illegally entering the United States from another country. The new law creates a separate violation for each person that the offender unlawfully transported. **Effective Date: October 1, 2009.**

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h012303er.pdf>

Senate Bill 126 (Ch. 2009-34): Minors; Confidential Records; Department of Children and Family Services; Caregivers; Guardians ad Litem; Attorneys; Certified Domestic Violence Centers; Child Abuse/Neglect; Crimes and Penalties

New F.S. 39.00145 requires the Department of Children and Family Services [DCF] to keep complete and accurate records on children under its direct control or the direct control of persons authorized by DCF department to exercise such control. Includes language requiring DCF to permit the inspection of a child's records by the child, his or her caregiver, guardian ad litem, or attorney and also requires DCF to provide a copy of the child's record to the child, caregiver, guardian ad litem, or attorney upon request and at no charge. Failure to produce or provide records within a reasonable time under this section, or for failure to produce without providing an assertion of a claim of exemption, is subject to the suspension and criminal penalties in F.S. 119.10. This new section of law also governs circumstances permitting the release or confidentiality of records relating to the affected child and names specific agencies and entities that may share confidential records or information. Information made confidential pursuant to federal law may not be shared and sharing provisions do not apply to information and records of certified domestic violence centers. Also creates F.S. 39.202(2)(r) concerning confidentiality of reports and records in cases of child abuse or neglect. Per changes to F.S. 39.202(7), within 90 days DCF must give notice after a child leaves that department's custody to the person having legal custody of the child, or to the young adult who was in the department's custody, that specifies how to obtain records. **Effective Date: July 1, 2009.**

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0126er.pdf>

House Bill 135 (Ch. 2009-104): Public Records; Employers and Employees; Dependents; Insurance Plans; Agencies

Amends F.S. 119.071(4)(b) by creating an exemption from public records release requirements for personal identifying information contained in an agency group insurance plan for a dependant child of a current or former employee of an agency. **Effective Date: July 1, 2009.**

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h013502er.pdf>

Senate Bill 168 (Ch. 2009-95): Human Trafficking; Statewide Task Force; Department of Children and Family Services; Florida Department of Law Enforcement; State Agencies; Sheriffs; Police Chiefs; Statewide Prosecutor; Attorney General

Creates an unnumbered section of law that establishes the Florida Statewide Task Force on Human Trafficking under the auspices of the Department of Children and Family Services [DCF]. The purpose of the task for is to combat human trafficking and it will examine the problem and recommend methods of curtailing the trafficking of humans in Florida. The heads of DCF and the Florida Department of Law Enforcement will serve as co-chairs and the 11 governmental members will include the Attorney General, the Statewide Prosecutor, a sheriff, and a police chief. There will also be 8 private and education sector members. The task force is to receive, revise, and propose a plan of implementation for the strategic plan prepared by the Florida State University Center for the Advancement of Human Rights and it will sunset on July 1, 2011. **Effective Date: June 1, 2009.**

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0168er.pdf>

House Bill 169 (Ch. 2009-105): Equine Activities; Horses; Minors; “Nicole’s Law”; Riding Helmets; Crimes and Penalties

This new law is referred to as “Nicole’s Law” and creates F.S. 773.06 that requires minors under the age of 16 years to wear approved riding helmets while riding an equine on any publicly-owned or controlled property. A trainer, instructor, supervisor, or other person may not knowingly lease or rent a horse for riding by a minor unless the minor has an approved helmet or an approved helmet is provided. A parent or guardian of a minor may not authorize or knowingly allow the child to violate the helmet requirement. Violations are non-criminal and punishable as provided in F.S. 775.083. The law also provides for numerous exceptions from enforcement. **Effective Date: October 1, 2009.**

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h016904er.pdf>

House Bill 177 (Ch. 2009-229): Firearms; Secondhand Dealers; Pawnbrokers; Electronic Records; Business Entities; Law Enforcement Agencies; Sheriffs; FCIC; Crimes and Penalties

New F.S. 790.335(5) requires secondhand dealers and pawnbrokers who electronically submit firearms transaction records to law enforcement agencies to also submit the manufacturer, model, serial number, and caliber information of each firearm using Florida Crime Information Center [FCIC] coding. Revised F.S. 790.335(4) adds that a violation of this section will apply the third degree felony penalty to entities as well as to persons. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h017702er.pdf>

Senate Bill 216 (Ch. 2009-125): Campaign Financing; Local Governments; Political Advertisement; Electioneering Communications; Counties/Municipalities

Creates F.S. 106.113 that prohibits a defined "local government", or a person acting on behalf of a "local government", from expending or authorizing the spending of defined "public funds" for a political advertisement or electioneering communication concerning an issue, referendum, or amendment, including a state issue, that is subject to the vote of the electors. The new law also prohibits a person or group from accepting "public funds" for the purpose of improper advertisements, etc. A local government or person acting on behalf of the government is allowed to present factual information and the law does not prohibit an elected official from expressing an opinion on any issue at any time. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0216er.pdf>

Senate Bill 252 (Ch. 2009-126): Code of Ethics; Local Governments; Political Subdivisions; Public Officers/Employees; Counties/Municipalities; Lobbyists; Crimes and Penalties

This bill concerns Code of Ethics issues in F.S. Chapter 112. Creates F.S. 112.3136 that provides that certain officers, directors, and chief executive officers who serve political subdivisions, and any business entity employee acting as the chief administrative or executive officer or employee of a political subdivision, are public officers and employees subject to enumerated standards of ethical conduct for purposes of F.S. 112.313, F.S. 112.3145, F.S. 112.3148, and F.S. 112.3149. Also creates a new public censure, reprimand, civil, or restitution penalties in F.S. 112.317(1)(e) for persons who are not subject to the standards of this part of law, other than a lobbyist or lobbying firm under F.S. 112.3215, but who are not public officers or employees, or lobbyists. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0252er.pdf>

Senate Bill 258 (Ch. 2009-173): Criminal History Records; Name Changes; Fingerprints; Florida Department of Law Enforcement; Clerks of Court; Courts

Amends F.S. 68.07, dealing with a person's change of name, to now require the electronic submission of the petitioner's fingerprints to the Florida Department of Law Enforcement for a state and national criminal history records check. The Clerk of Court shall provide instructions for the process to the person seeking the name change. The court must consider the criminal history check results in evaluating whether to grant the name change. The Clerk of Court must also provide FDLE with a report of the name change, the judgment, and the results of the criminal history records check. A criminal history check is not required for restoration of a former name or name changes due to adoption, marriage, or dissolution of marriage. **Effective Date: October 1, 2009.**

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0258er.pdf>

House Bill 271 (Ch. 2009-33): "Rachel's Law"; Confidential Informants; Law Enforcement Agencies; Sheriffs; Contraband; Intelligence; Written Policies; Guidelines; Minors

Named after a confidential informant (Rachel Hoffman) who was killed during an undercover police department operation, this bill creates tentatively numbered F.S. 914.28 that requires all state and local agencies utilizing a confidential informant (a person cooperating in a criminal intelligence gathering or investigative effort who seeks to avoid arrest or prosecution or to mitigate punishment and is able to make a buy/sell of contraband or regularly provide information or intelligence) to have written policies and procedures in place addressing numerous factors stated in the law. The factors to be addressed include (but are not limited to) what supervisor must approve the use of a juvenile as an informant, taking into account a proposed informant's maturity, whether the informant is in a drug treatment program, and the dangerousness of the proposed operation. Agencies must periodically review their practices to assure the policies are being followed. The law's "whereas" portion makes reference to the "Guidelines To Be Used By State and Local Law Enforcement Agencies In Dealing With Confidential Informants" voluntarily adopted by the Florida Sheriff's Association, the Florida Police Chiefs Association, the State Law Enforcement Chiefs Association and FDLE. A copy of those Guidelines is at: <http://www.fdle.state.fl.us/Content/getdoc/6bf82b10-54db-4c2a-b0e9-973f98901c9e/CIGuidelinesMARCH-final.aspx>. **Effective Date: July 1, 2009.**

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h027104er.pdf>

House Bill 293 (Ch. 2009-206): Motor Vehicles; Mobile Homes; Vessels; Titles; Liens; Department of Highway Safety and Motor Vehicles; Tax Collectors; Law Enforcement Agencies; Sheriffs; Courts; Towing Services; Impoundment; Immobilization; DUI; Crimes and Penalties

This 24-page bill relates to motor vehicle and motor home title transfers and amends or creates a number of sections of F.S. Chapters 316, 319, 320, and 322, 559, and 713 that affect the Department of Highway Safety and Motor Vehicles, law enforcement agencies, and lienholders. New F.S. 320.1316 establishes procedures concerning the failure to surrender a vehicle or vessel after receiving written notice from a lienholder. Revises provisions in F.S. 322.34(8) and F.S. 713.78(4) and (6), relating to sending notice of a vehicle's impoundment

or immobilization by a law enforcement agency or towing service, by requiring that the notice be sent by certified mail, although return receipt is no longer mandated. Also amends F.S. 713.78(4) by requiring that the law enforcement agency of the jurisdiction where a vehicle or vessel has been stored per this section of law must notify DHSMV, or the appropriate state of registration, of the towing/storage of the property. New F.S. 316.193 (13), concerning DUI penalties, states that if circuit court or sheriff's office personnel do not immobilize vehicles, only immobilization agencies that meet conditions of this subsection may immobilize vehicles within the respective judicial circuit. Violation of this new subsection is a first degree misdemeanor. New F.S. 316.193(14) creates definitions relating to immobilizing and impounding vehicles. ***Effective Date: July 1, 2009, except as the bill provides otherwise.***

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h029304er.pdf>

Senate Bill 318 (Ch. 2009-22): Usury Laws; Loan Sharking; Shylocking; Repeals; Crimes and Penalties

Amends F.S. 687.071 and F.S. 772.102 by removing the term “shylocking” from laws concerning criminal usury and loan sharking. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0318er.pdf>

House Bill 333 (Ch. 2009-137): Off-Highway Vehicles; ATVs; All-Terrain Vehicles; Recreational Off-Highway Vehicles; ROVs; Motor Vehicles

Revises F.S. 261.03, F.S. 316.2074, and F.S. 317.0003 by amending the definitions of “All-Terrain Vehicles [ATV]”. Creates definitions of “Recreational Off-Highway Vehicle [ROV]” in F.S. 261.03 and F.S. 317.0003 while revising the definition of “Off-Highway Vehicle” in F.S. 317.0003. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h033303er.pdf>

House Bill 339 (Ch. 2009-162): Secondhand Dealers; Secondary Metals Recyclers; Hold Notices; Counties/Municipalities; Mail-In Secondhand Precious Metals Dealers; Law Enforcement Agencies; Sheriffs; Department of Agriculture and Consumer Services; Crimes and Penalties

This 11-page bill covers a number of topics concerning F.S. Chapter 538 relating to secondhand dealers and secondary metals recyclers. Changes to F.S. 538.03 delete cardio and strength training or conditioning equipment designed primarily for indoor use from the definition of secondhand goods. Revises “hold notice” language in F.S. 538.21 to preempt county and municipal ordinances enacted after December 31, 2008, relating to secondary metals recyclers holding such metals. Creates Part III of F.S. Chapter 538 [F.S.S. 538.31 through 538.37] that establishes a process governing “Mail-In Secondhand Precious Metals Dealers” who must register with the Department of Agriculture and Consumer Services. This new section of law includes definitions, registration, transaction, and recordkeeping requirements. It also includes requirements for dealers to work with and provide specified information to the appropriate sheriff's office or law enforcement agency with jurisdiction

over the dealer. Dealers must collect and sellers must give accurate identifying information. A ninety-day hold period is created in the case of suspected stolen merchandise. This new section creates a list of felony penalties for failure to register and otherwise comply with the new law. [NOTE: See Senate Bill 2700, Chapter 2009-158, for similar provisions.]
Effective Date: October 1, 2009.

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h033905er.pdf>

Senate Bill 344 (Ch. 2009-32): “Dori Slosberg and Katie Marchetti Safety Belt Law”; Safety Belts; Seat Belts; Sheriffs; Law Enforcement Agencies; Motor Vehicles; Crimes and Penalties

This bill amends F.S. 316.614(6)(b), governing safety belt usage, by deleting the provision regarding safety belt requirements for the front seat of a pickup truck. Adds language to the same section that exempts from state enforcement those vehicles which are not required to be equipped with safety belts under federal law. Revises F.S. 316.614(8) by removing language that required law enforcement officers to only cite violations of this section of law as a secondary action; this means that officers may now use a violation of F.S. 316.614 as a primary violation. **Effective Date: June 30, 2009.**

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0344er.pdf>

House Bill 381 (Ch. 2009-43): Minors; Care of Children; “Zahid Jones, Jr., Give Grandparents and Other Relatives A Voice Act”; Grandparents; Guardians; Relatives; Department of Children and Family Services; Protective Investigations; “Grandparents’ and Family Caregivers’ Day”

This 32-page bill covers a number of areas in F.S. Chapter 39 that relate to the care of children including the role of grandparents and guardians, and the duties of the Department of Children and Family Services [DCF]. This law recognizes that a great number of children in Florida are being raised by their grandparents or guardians and it seeks to increase the rights of those taking care of the children. If requested by a caregiving relative, DCF will be required to provide notice of all proceedings and hearing relating to the child. When a protective investigation is begun pursuant to F.S. 39.301 and a report is received, the DCF investigator must provide his or her contact information to the reporter within 24 hours of being assigned the investigation. Also amends F.S. 683.10 by declaring the first Sunday after Labor Day to be “Grandparents’ and Family Caregivers’ Day.” **Effective Date: July 1, 2009.**

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h038102er.pdf>

House Bill 405 (Ch. 2009-208): Delivery Vehicles; Golf Carts; Low-Speed Vehicles; Utility Vehicles; Motor Vehicles; Residential Areas; Seasonal Delivery Personnel; Driver’s Licenses; Crimes and Penalties

Revises F.S. 316.2126, concerning the authorized use of golf carts and other motor vehicles, by creating definitions of “Golf Cart”, “Residential Area”, and “Seasonal Delivery Personnel.” Also establishes conditions under which seasonal delivery personnel may operate different

types of vehicles and requires that anyone operating a golf cart, low-speed vehicle, or utility vehicle pursuant to F.S. 316.2126 must possess a valid driver's license under specified circumstances. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h040504er.pdf>

Senate Bill 408 (Ch. 2009-127): Drug Tests; Drug-Free Workplace; Clinical Laboratories; Employers and Employees

Amends F.S. 440.102(5)(d), relating to the drug-free workplace program, by deleting the requirement that the initial drug test be conducted by a licensed or certified laboratory. However, any confirmation test conducted under the drug-free workforce program must still be conducted by a licensed or certified laboratory. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0408er.pdf>

Senate Bill 412 (Ch. 2009-215): Service of Process; Sheriffs; Courts; Process Servers; State Agencies; Execution Sales; Clerks of Court; Domestic Violence; Repeat Violence; Sexual Violence; Dating Violence; Facsimile Copies; Injunctions; Law Enforcement Officers; Arrest

This 15-page bill covers a number of issues concerning service of process. It amends F.S. 30.231 by increasing the fee charged by Sheriffs' offices for service of summons, writs, witness subpoenas, and other civil services while maintaining fees at the same level for service on behalf of the state or its agencies. Revised F.S. 48.021 will allow special process servers to be able to serve criminal witness subpoenas and summonses. Amends sections of F.S. Chapter 56 concerning Sheriff's office duties in execution sales. Revises F.S. 741.30 to permit a Sheriffs office to request the Clerk of Court to transmit a certified facsimile copy of an injunction against domestic violence to the Sheriff for service of the faxed copy. Also amends F.S. 784.046 to permit a Sheriffs office to request the Clerk of Court to transmit a certified facsimile copy of an injunction against repeat, sexual, or dating violence to the Sheriff for service of the faxed copy. An addition to F.S. 784.046(13) allows a law enforcement officer to arrest a person upon probable cause that the person has committed an act of dating violence or has violated a condition of pretrial release when the original arrest was for an act of dating violence. Revised F.S. 901.15(13) provides for an arrest without warrant when an officer has probable cause to believe that a subject has violated a condition of pretrial release or when the original arrest was for an act of dating violence. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0412er.pdf>

Senate Bill 414 (Ch. 2009-128): Dead Bodies; Conveyance of Bodies; Plastinated Bodies; Museums; Educational Purposes; Anatomical Board

Amends F.S. 406.61, governing buying, selling, or conveying bodies out of state, by allowing certain accredited or certified museums to convey plastinated bodies into, within, and out of

state for educational or exhibition purposes without having to get permission from the state anatomical board. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0414er.pdf>

House Bill 425 (Ch. 2009-195): Department of Business and Professional Regulation; Room Rates; Public Lodging Establishments; Repeals; Crimes and Penalties

This 80-page bill relates to numerous issues involving the Department of Business and Professional Regulation in numerous chapters of law. Included in the bill is the repeal of F.S. 509.201 which had made it a second degree misdemeanor for a public lodging establishment to fail to post the room rates in a conspicuous location in each rental unit. ***Effective Date: October 1, 2009, except as the bill provides otherwise.***

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h042506er.pdf>

Senate Bill 440 (Ch. 2009-197): Public Records; Prescription Drugs; Prescription Drug Monitoring Program; Controlled Substances; Department of Health; Attorney General; Medicaid Fraud; Sheriffs; Law Enforcement Agencies; Health Care Practitioners; Pharmacists; Patients; Crimes and Penalties

Creates F.S. 893.0551 that establishes exemptions from public records release for specified records from the prescription drug monitoring program [new F.S. 893.055] within the Department of Health [DOH]. It establishes which entities or persons are entitled to request and receive the protected information and also establishes methods for obtaining the information by entitled parties. Included in the list that may receive the information are the Attorney General's Office when working on Medicaid fraud prescription drug cases; specified DOH regulatory boards; law enforcement agencies working prescription drug abuse cases; health care practitioners; pharmacists; and patients [or their representatives]. Makes it a third degree felony per F.S. 893.0551(5) for any person who obtains such confidential and exempt information to willfully and knowingly violate the restrictions placed on the use of such information. [NOTE: See Companion Senate Bill 462, Chapter 2009-198.] ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0440er.pdf>

Senate Bill 456 (Ch. 2009-38): "Deputy Anthony Forgione Act"; Mental Illness; "Baker Act"; Law Enforcement Agencies; Sheriffs; Memorandum of Understanding; Receiving Facilities

This law revises various sections of law in F.S. Chapter 394 concerning the "Baker Act" and addresses issues related to mental health. It amends F.S. Section 394.462(1) by creating a requirement that each transporting law enforcement agency develop a memorandum of understanding with the receiving facility to set clear protocols for the safe and secure transportation and transfer of custody of the person being transported for examination purposes. The bill also revises other provisions concerning a receiving facility's procedures

concerning both involuntary outpatients and involuntary inpatients. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0456er.pdf>

Senate Bill 462 (Ch. 2009-198): Prescription Drugs; Prescription Drug Monitoring Program; Department of Health; Controlled Substances; American Society for Automation in Pharmacy; "HIPAA"; Florida Department of Law Enforcement; Pharmacies; Health Care Practitioners; Attorney General; Sheriffs; Law Enforcement Agencies; Patients; Office of Drug Control; Direct Support Organizations; Immunity; Identification Requirements; Agency for Health Care Administration; Electronic Prescribing; Governor; Program Implementation and Oversight Task Force; Crimes and Penalties

This 32-page bill creates F.S. 893.055, titled "Prescription Drug Monitoring Program", that requires the Department of Health [DOH] to design and establish by December 1, 2010, a comprehensive electronic system to monitor the prescribing and dispensing of certain controlled substances. This law defines numerous terms relating to the monitoring program and requires DOH to work with various agencies, including the Florida Department of Law Enforcement, to develop rules appropriate for the program. The system must meet the standards of the American Society for Automation in Pharmacy [ASAP] and must comply with federal "Health Insurance Portability and Accountability Act" [HIPAA]. The law creates a methodology for what is reported to the database by pharmacies and persons prescribing the controlled substance. Examples of what is required to be reported include, for example, information about the name of the pharmacy; prescribing health care provider; DEA identification numbers; date of prescription; type of payment; name and other identifying information for the person receiving the prescription; and the name, quantity, and strength of the dispensed controlled substance. The bill also includes exemptions from the reporting requirements including dispensing substances in hospitals, nursing homes, hospice, and other enumerated locations and under specified conditions. It establishes which entities or persons that are entitled to request and receive the submitted information and creates methods for obtaining the information by entitled parties. Included in the list that may receive the information are the Attorney General's Office when working on Medicaid fraud prescription drug cases; specified DOH regulatory boards; law enforcement agencies working prescription drug abuse cases; and patients [or their representatives]. Makes it a first degree misdemeanor under F.S. 893.055(9) for a willful and knowing failure to report the dispensing of a controlled substance. All costs incurred by DOH for the monitoring program shall be reimbursed through federal, private, or grant funding applied for by the state. The establishment and implementation of the program are contingent upon receipt of nonstate funding, and specific legislative appropriation may not be used to fund the program. The Office of Drug Control may establish a direct support organization to provide assistance, funding, and promotional support for activities authorized for the monitoring program. A prescriber or dispenser is authorized access to the information in the monitoring program in order to review the patient's controlled drug prescription history and to ensure a proper standard of care. A prescriber or dispenser acting in good faith is immune from any civil, criminal, or administrative liability that might be incurred from receiving information from the monitoring program. The bill also requires a pharmacist, pharmacy, or dispensing health care practitioner, before releasing a controlled substance to any person not known to the

dispenser, to require the person to present valid photographic identification or other verification of identity to the dispenser. If the person does not have such, the bill provides ways of verifying the validity of the identity and validity of the prescription. Pharmacies and dispensers must maintain records for two years. The law also requires the Agency for Health Care Administration to continue implementing electronic prescribing by health care practitioners, health care facilities, and pharmacies, and the electronic prescribing clearinghouse. Also creates a 12-member Program Implementation and Oversight Task Force within the Executive Office of the Governor to monitor implementation and safeguarding of the electronic system developed for the prescription drug monitoring program. Due to the length and complexity of this bill, please review it in order to determine all applicable provisions. [NOTE: See Companion Senate Bill 440, Chapter 2009-197.]

Effective Date: July 1, 2009.

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0462er.pdf>

House Bill 479 (Ch. 2009-209): Retirement; Employers and Employees; Florida Retirement System

This 88-page bill extensively revises provisions in F.S. Chapter 121 concerning the Florida Retirement System and must be reviewed carefully to determine its effect on current and future members of the system. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h047906er.pdf>

House Bill 481 (Ch. 2009-138): School Buses; Highway Racing; Reckless Driving; DUI; Department of Highway Safety and Motor Vehicles; Motor Vehicles; Driver Improvement Courses; Trauma Payments; Courts; Community Service; Sentencing; Traffic Control; Crimes and Penalties

Changes the sentencing provisions in F.S. 318.18 by requiring an additional \$65.00 penalty for violation of F.S. 316.172(1)(a) and (b) concerning failure to stop for or passing school buses; for violation of F.S. 316.191 concerning racing on the highway; and for violation of F.S. 316.192 concerning reckless driving. The additional funds are to go to a trust fund for trauma payments per F.S. 395.4036. Requires driver improvement course referrals for violation of the same three sections of law cited above [school bus, highway racing, reckless driving]. Also amends F.S. 316.193(6), relating to the penalty for DUI, by prohibiting a sentencing judge from ordering the defendant to pay money instead of performing community service under limited circumstances. ***Effective Date: October 1, 2009.***

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h048105er.pdf>

House Bill 483 (Ch. 2006-242): Investor Protection; Statewide Prosecutor; Statewide Grand Jury; "Florida Money Laundering Act"; "Florida Securities and Investor Protection Act"; Viatical Settlements; Attorney General; Rewards; Florida Department of Law Enforcement; Crimes & Penalties

This 27-page bill concerns a number of issues related to investor protection. Expands the authority of the Statewide Prosecutor under F.S. 16.56 to investigate and prosecute criminal

violations of the “Florida Money Laundering Act” [F.S. Chapter 896] and the “Florida Securities and Investor Protection Act” [F.S. Chapter 517]. Also revises F.S. 905.34 to give the Statewide Grand Jury jurisdiction over the criminal violations of these same two acts. Amends definitions in F.S. 517.021 as well as laws concerning viatical settlement investments in F.S. 517.072 and other sections of F.S. Chapter 517. Revises F.S. 517.191 to create civil penalties for violations and by giving the Attorney General the authority to investigate and enforce provisions of listed sections of F.S. Chapter 517. In order to help combat international money laundering, new F.S. 896.108 creates a procedure by which the Florida Department of Law Enforcement may enter into agreements and pay a reward to any individual or entity who provides original information that leads to a recovery of a criminal fine, civil penalty, or civil forfeiture based in whole or in part upon a violation of federal law or the laws of Florida. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h048303er.pdf>

Senate Bill 526 (Ch. 2009-174): Court Costs; Minors; Crimes and Penalties

Amends F.S. 938.10, concerning additional court costs in cases of certain crimes committed by minors, by adding numerous offenses in F.S. Chapters 796, 823, 847, 893, and 943 for which an additional \$151.00 in court costs will be imposed. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0526er.pdf>

Senate Bill 554 (Ch. 2009-216): Campus Police; University Police; Jurisdiction; Mutual Aid Agreements, Law Enforcement Agencies; Sheriffs; Traffic Control; Direct Support Organizations; Arrest

Revises F.S. 23.1225, governing mutual aid agreements, by authorizing state university police officers to enforce laws in specified jurisdictional areas as agreed upon in a voluntary cooperation written agreement. Amends F.S. Section 316.640(1)(b) to permit university police officers to enforce state traffic codes within 1,000 feet of property under control of state university-controlled property or facilities, a direct support organization [DSO] of a state university, or any other organization controlled by the university or a DSO, or when violations take place in specific jurisdictional areas as agreed upon in a mutual aid agreement. Revises F.S. 1012.97 to permit university police to have arrest powers within 1,000 feet of university, DSO, or university or DSO-controlled property, or when in accordance with a mutual aid agreement. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0554er.pdf>

Senate Bill 624 (Ch. 2009-200): “Bill of Rights”; Internal Investigations; Law Enforcement Officers; Correctional Officers; Disciplinary Actions; Sheriffs, Law Enforcement Agencies; Compliance Review Panels; Criminal Justice Standards and Training Commission; Official Misconduct; Misuse of Position

This 12-page bill concerns a number of topics relating to the “Bill of Rights” for law enforcement and correctional officers. Clarifies that an officer’s rights under this section of laws apply to cases when a suspension could be ordered as part of a disciplinary action.

Amends F.S. 112.532(1)(d) and F.S. 112.533(2)(a) to require that, before the start of an investigative interview, the subject officer must be given “all other existing subject officer statements, and all other existing evidence, including, but not limited to, incident reports, GPS locator information, and audio or video recordings relating to the incident under investigation.” Revises F.S. 112.532(4)(b) to permit the subject officer, or the officer's representative, upon request, to be provided with a complete copy of investigative file, including the final investigative report and all evidence before imposing specified disciplinary action. The running of the investigation limitations period in F.S. 112.532(6) is tolled during the time that an officer's compliance hearing proceeding under new procedures created in F.S. 112.534 takes place. Extensively amends F.S. 112.534(1) by establishing a process, including the creation and powers of a 3-person compliance review panel, if a subject officer alleges that the investigating agency has intentionally failed to comply with the “rights” of the officer during the investigation. When a subject officer advises the investigator of the alleged intentional violation the investigator has the opportunity to cure the violation. If the alleged violation continues, the subject officer may then request that the agency head or designee be notified of the alleged violation. If this notification takes place, the agency must stop the officer's interview and a refusal to respond to additional questions is not considered to be insubordination. The subject officer then has 3 working days to make a request for a compliance review hearing by a 3-member panel. Unless the complaint is remedied by the investigating agency, the panel hearing must be held within 10 working days unless otherwise agreed by the officer and agency. The panel must then determine if the investigator or agency intentionally violated the “Bill of Rights” requirements and material presented is confidential for purposes of the compliance review hearing and determination. The subject officer has the burden of proving an intentional violation by a preponderance of evidence and the panel must file a written determination at the end of the hearing. If the violation allegation is sustained as being intentional, the agency head must remove the investigator from the case and order that he or she be investigated regarding possible intentional violation of the law. If there is a sustained finding of an intentional violation, the agency must forward the sustained finding to the Criminal Justice Standards and Training Commission for review as an act of official misconduct or misuse of position. The provisions of F.S. Chapter 120 do not apply to this part. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0624er.pdf>

House Bill 635 (Ch. 2009-122): Military Affairs; USERRA; National Guard; State Active Duty; Employers and Employees; Courts; Crimes and Penalties
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The federal Uniformed Services Employment and Reemployment Rights Act [USERRA] provides employment rights to service members and prohibits employment and reemployment discrimination against persons because of their active duty, reserve, or National Guard service. However, USERRA standards have not applied to state active duty. This bill amends F.S. 250.482 by creating employment and reemployment rights similar to USERRA for National Guard members who return from state active duty. Employees on state active duty may not be forced to use vacation or other types of leave while on duty, although they may elect to do so. A National Guard member who returns to work after state active duty may not be discharged from his or her employment for a one year period after return, except for cause. Revises F.S. 250.82 to clarify that a state court may look to both federal and state law when considering possible violations of right of armed forces members.

New F.S. 250.905 also establishes a civil penalty of \$1,000 per violation of any service member protection provision in F.S. Chapter 250. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h063502er.pdf>

House Bill 687 (Ch. 2009-110): Florida Sheriff Youth Ranches; Minors; Sheriffs; Motor Vehicles; License Tags; Registration

Creates F.S. 320.02(h)(15) that will allow a person applying for or renewing a vehicle registration to contribute \$1.00 to the Florida Sheriffs Youth Ranches. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h068701er.pdf>

Senate Bill 746 (Ch. 2009-179): Ticket Resale; Direct Support Organizations; Department of Elderly Affairs; Charitable Organizations; Crimes and Penalties

This 11-page bill basically concerns direct support organizations for the Department of Elderly Affairs. Revises F.S. 817.36, governing resale of tickets, by a person or entity that offers for resale or resells any ticket may charge only \$1.00 over the admission price charged by the original ticket seller. Requires charitable organizations to clearly print this limit on tickets sold for fundraisers. Creates civil penalties for violations of this section. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0746er.pdf>

Senate Bill 766 (Ch. 2009-218): Anatomical Gifts; Organ and Tissue Donors; Donor Registry; Body Parts; Document of Gift; Procurement Organizations; Gift Revocation; Civil Liability; Hospital Administrators; Medical Examiners

This 30-page bill revises the laws concerning anatomical gifts in F.S. Chapter 765. It amends and creates a number of definitions in F.S. 765.511, including terms relating to organ and tissue donation such as “anatomical gift”, “document of gift”, “donor registry”, “body part”, “procurement”, “procurement organization”, and “reasonably available.” Revises F.S. 765.512, regarding persons who may make an anatomical gift, by establishing that any person who may make a will may make such a gift. Amends F.S. 765.513 by clarifying purposes for which anatomical gifts may be made, including for education, research, therapy, or transplantation. If a donor specifies multiple purposes for the gift, the anatomical gift is to be used first for transplantation or therapy, if suitable. If not suitable the gift may be used for research or education. Revised F.S. 765.514 covers the manner of making an anatomical gift that includes registering online with the “donor registry” database. Amends F.S. 765.515 and F.S. 765.5155, concerning the delivery of a donor document and the donor registry education program, respectively. Changes to F.S. 765.516 govern amending or revoking an anatomical gift which can include: the donor signing a statement in the presence of two witnesses, at least one of whom must be a disinterested witness; the donor making an oral statement made in the presence of two persons, at least one of whom is not a family member, and the oral statement is effective if it is related prior to an incision or preparatory procedure being started; the donor destroying or cancelling the document of

gift or portion of such used to make the gift; or by the donor executing a later document of gift the amend or revokes a prior anatomical gift. Extensively amends the rights and duties at death for anatomical gifts in F.S. 765.517. Included in this section is an exemption from civil liability for the donor or donor's estate from civil liability for any injury or damages that result from making or using the gift. Revises F.S. 765.522 concerning the duties and liability of hospital administrators and procurement organizations in the anatomical gift process. Also amends F.S. 765.541 and F.S. 765.542 governing the certification of procurement organizations and requirements to engage in organ, tissue, or eye procurement, respectively. New F.S. 765.547 requires that medical examiners and procurement organizations cooperate with each other to maximize opportunities to recover anatomical gifts for the purpose of transplantation, therapy, research, or education. The Florida Medical Examiners Commission must also adopt rules establishing cooperative responsibilities between medical examiners and procurement organizations to facilitate and expedite medical examiner statutory responsibilities in a manner that will help maximize opportunities to recover anatomical gifts while recognizing that this law does not supersede any part of F.S. Chapter 406 relating to medical examiners and the disposition of dead bodies. Due to the length of this bill, please review it in order to determine all applicable additions and changes. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0766er.pdf>

Senate Bill 788 (Ch. 2009-170): Gaming; Governor; Seminole Tribe; Legislature; Department of the Interior; Background Screening

This 105-page bill creates a process that allows the Governor to negotiate a gaming compact between the State of Florida and the Seminole Tribe of Florida. It sets legislatively approved terms and conditions for such a compact that must be signed by the close of August 31, 2009. If the compact is signed, the sections of the bill that set out substantive changes in law, such as background screening and types of approved gaming, will take effect after: the Legislature ratifies the compact; the Department of the Interior approves it, and; it is published in the *Congressional Register*. ***Effective Date: July 1, 2009, except as the bill provides otherwise.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0788er.pdf>

Senate Bill 904 (Ch. 2009-180): Minors; Parental Responsibilities; Time-Sharing; Parenting Plans; Domestic Violence; Courts

This 34-page bill concerns many issues involving parental responsibilities, parenting plans, and time-sharing for minor children. Revises F.S. 61.13 by creating a rebuttable presumption for the court that a parent should not be allowed to share responsibility for a child if the parent had been convicted of a first degree misdemeanor, or higher, involving domestic violence. ***Effective Date: October 1, 2009.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0904er.pdf>

House Bill 1003 (Ch. 2009-233): Firearms; Florida Department of Law Enforcement; Repeals

The bill repeals the October 1, 2009 sunset date for F.S. 790.065 regarding the sale and delivery of firearms to persons by licensed firearms dealers, importers, or manufacturers. The bill also provides that the legislature must review and approve F.S. 790.065 for continuation before the maximum fee of eight dollars, established by FDLE for a criminal history check under F.S. 790.065(1)(b), may be increased. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h100301er.pdf>

Senate Bill 1018 (Ch. 2009-114): Minors; Guardians ad Litem; Legal Aid Organizations; Attorneys; Background Checks; Crimes and Penalties

Amends F.S. 61.402 to provide that a guardian ad litem must be certified by the Guardian ad Litem Program, be certified by a not-for-profit legal aid organization, or be a member in good standing of the Florida Bar. Provides that not-for-profit legal aid organizations must conduct security background investigations of potential guardians ad litem and provide uniform, statewide training developed by the Florida Bar for the guardians ad litem. New Subsection (5) makes it a first degree misdemeanor for the willful, knowing, or intentional failure to disclose any material fact on an application for appointment as a guardian ad litem. ***Effective Date July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s1018er.pdf>

House Bill 1021 (Ch. 2009-85): Transportation; Motor Vehicles; Highway Racing; Department of Transportation; Florida Department of Law Enforcement; Department of Environmental Protection; Division of Emergency Management; Office of Tourism, Trade, and Economic Development; Metropolitan Planning Organizations; Regional Planning Councils; Interstate 95; Crimes and Penalties

This 56-page bill covers a number of topics related to transportation issues and affects a number of chapters of law. By June 30, 2010, the Department of Transportation, in conjunction with the Florida Department of Law Enforcement, the Department of Environmental Protection, the Division of Emergency Management, the Office of Tourism, Trade, and Economic Development, and specified metropolitan planning organizations and regional planning councils, is to complete a study of the transportation alternatives for the travel corridor parallel to Interstate 95 which takes into account the transportation, emergency management, homeland security, and the economic development costs of the state in order to identify cost-effective measures to alleviate congestion on I-95, facilitate emergency and security responses, and foster economic development. Revises the definition relating to racing in F.S. 316.191(1) and increases in F.S. 316.191(4) the number of business days from 10 to 30 that a vehicle may be impounded for racing on highways. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h102103er.pdf>

Senate Bill 1030 (Ch. 2009-220): Motor Vehicles; Emergency Lights; Correctional Agencies; Counties; Crimes and Penalties

Revises F.S. 316.2397 to include county correctional agencies among the list of agencies that may show or display blue lights when responding to emergencies. **Effective Date: July 1, 2009.**

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s1030er.pdf>

Senate Bill 1100 (Ch. 2009-183): Department of Highway Safety and Motor Vehicles; Motor Vehicles; Emergency Vehicles; Wreckers; "Move-Over Act"; License Tags; Motorcycles; Mopeds; Mini Trucks; Disabled Parking Permits; Driver Improvement Courses; Driver's Licenses; Identification Cards; Crimes and Penalties

This 21-page bill addresses several issues relating to the Department of Highway Safety and Motor Vehicles. Amends a provision in F.S. 316.126(1)(b)1, the "Move-Over Act", to require a motorist to reduce speed if he or she is unable to safely vacate the lane closest to the approaching emergency vehicle or wrecker when driving on an interstate highway or other multi-lane road. Revises F.S. 316.2085 concerning the visibility and display of motorcycle and moped license tags. Adds a definition of "mini truck" to F.S. 320.01 and revises F.S. 316.2122 to address operation of such trucks and other low speed vehicles. Creates F.S. 320.0847 dealing with mini trucks and low-speed vehicle license plates. **Effective November 1, 2009**, amends Section F.S. 320.0848 concerning procedures in obtaining disabled parking permits. **Effective January 1, 2010**, revises and creates new sections of F.S. 322.0261 concerning driver improvement courses. **Effective November 1, 2009**, modifies F.S. 322.03 and F.S. 322.08 pertaining to "Valid in Florida Only" driver's licenses. These types of licenses are being phased out in order to comply with federal law; Florida will not in the future issue a Florida driver's license or identification card to a person who holds a valid driver's license or identification card from any other state. **Effective Date: June 16, 2009, except as the bill provides otherwise.**

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s1100er.pdf>

Senate Bill 1284 (Ch. 2009-21): Reviser's Bill; Minors; Missing Children; Missing Adults; Computer Data; Records

Included in this 183-page bill is a revision to F.S. 937.021(1)(c), regarding missing child and missing adult reports, that clarifies duties concerning maintaining and clearing computer data to mean missing child or missing adult reports, whichever is applicable. **Effective Date: July 7, 2009.**

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s1284er.pdf>

Senate Bill 1312 (Ch. 2009-184): Sexual Battery; Victims; Law Enforcement Agencies; Sheriffs; Medical Treatment; Rape Crisis Centers; Florida Council Against Sexual Violence; Florida Department of Law Enforcement

The bill creates F.S. 794.052 under which victims of sexual battery are required to be notified of victim's rights and services by the officer who investigates the offense. The investigating officer must also assist the victim in obtaining medical treatment, a forensic examination, and services from a certified rape crisis center. The officer must also tell the victim that she or he may contact a certified rape crisis center which may provide services to the victim. The legal rights and remedies form is to be developed by the Florida Council Against Sexual Violence in conjunction with the Florida Department of Law Enforcement.

Effective Date: July 1, 2009.

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s1312er.pdf>

House Bill 1423 (Ch. 2009-86): Fish and Wildlife Conservation Commission; Vessels; Live-Aboard Vessels; Boating Under the Influence [BUI]; Gasoline; Nuisances; Forfeitures; Sheriffs; Law Enforcement Agencies; Wildlife; Freshwater Fish; Saltwater Fish; Aquatic Weeds and Plants; Seagrass Scarring; Law Enforcement Officers; Evidence; Crimes and Penalties

This 89-page bill relates to numerous laws relating to the Fish and Wildlife Conservation Commission and its wide variety of enforcement duties and makes changes to many different chapters of the *Florida Statutes*. Amends the definition of "live-aboard vessel" in F.S. 327.02. Revises the blood-alcohol level or breath-alcohol level to 0.15 in F.S. 327.35 to make the level the same in the boating under the influence law as the driving under the influence law. New F.S. 327.66 creates a second degree misdemeanor violation relating to the illegal carriage of gasoline on vessels. This new section of law also declares that gasoline possessed or transported in violation of this law is a public nuisance and that any law enforcement agency discovering such gasoline shall abate the nuisance by removing gasoline and containers from the vessel and from the waters of the state. The law also gives the seizing agency options for dealing with the seized nuisance property. In addition, all conveyances, vessels, vehicles, and other equipment used to violate the gasoline carriage law, other than the "nuisance" gasoline and containers, are declared to be contraband and can be seized and forfeited to the seizing agency after a person is convicted for violating the new law. Revises the provisions for confiscating and disposing of illegally taken wildlife, freshwater fish, and saltwater fish in F.S. 379.338. Creates F.S. 379.3381 that establishes a process, similar to F.S. 90.91, for law enforcement officers to photograph illegally taken wildlife, freshwater fish, and saltwater fish, and to be able to enter such photographs into evidence in a prosecution for violation of the applicable law. New F.S. 379.501 creates felony and misdemeanor offenses relating to aquatic weeds and plants.

Sections of Law effective October 1, 2009: New F.S. 253.04(4) and F.S. 327.73(1)(x) create a noncriminal infraction for seagrass scarring as a vessel law violation. A person who refuses to post a bond or sign a uniform boating citation commits a second degree misdemeanor. Revises F.S. 327.70, regarding the power to enforce the provisions of F.S. Chapters 327 and 328, relating to vessels, to include municipal police officers and other law enforcement officers as defined in F.S. 943.10.

Due to the length of this bill, please review it in order to determine all applicable additions and changes. ***Effective Date: July 1, 2009, except as the bill provides otherwise.***

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h142306er.pdf>

House Bill 1495 (Ch. 2009-87): Insurance; Property Insurance; Casualty Insurance; Mitigation Verification Forms; Crimes and Penalties

Included in this 81-page bill, relating to property and casualty insurance, is new F.S. 627.711(3) which makes it a first degree misdemeanor for any person or entity to knowingly provide or utter a false or fraudulent mitigation verification form with intent to obtain or receive a discount on an insurance premium to which the person or entity is not entitled. ***Effective Date: May 27, 2009.***

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h149507er.pdf>

Senate Bill 1534 (Ch. 2009-185): Money Services Businesses; Check Cashing, Wire Transfers, Monetary Instruments; Currency; Money Laundering; "Florida Control of Money Laundering in Money Services Business Act"; Crimes and Penalties

The bill incorporates technical amendments into F.S. 560.123 regarding the requirement that money services businesses (check cashing, wire transfers, sale of monetary instruments, and certain forms of currency exchange) keep records of each financial transaction exceeding \$10,000, or that are known to involve the proceeds of unlawful activity or designed to evade reporting requirements. ***Effective Date: June 16, 2009.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s1534er.pdf>

Senate Bill 1540 (Ch. 2009-53): Schools; Students; District School Boards; Corporal Punishment; Zero-Tolerance Policies; Victims; Sheriffs; Law Enforcement Agencies; Department of Juvenile Justice; No Contact Orders

Amends F.S. 1002.20 to require district school boards having a policy authorizing use of corporal punishment to review that policy once every three years during a public district school board meeting. If the policy is not reviewed once every three years at a district school board meeting, the policy expires automatically. Revises F.S. 1006.09 to state that zero-tolerance policies for crime and victimization are not intended to be rigorously applied to petty acts of misconduct and misdemeanors, including such things as minor fights or disturbances. Requires each district school board to adopt a policy of zero-tolerance that defines criteria for reporting to law enforcement, defines acts that pose a serious threat to school safety, defines petty acts of misconduct, and establishes procedures for student review of disciplinary action imposed. Adds language that exempts certain offenses from reporting to law enforcement. Requires each district school board to adopt a cooperative agreement with the Department of Juvenile Justice to establish guidelines to ensure that any no contact order from a court is reported and enforced and all necessary steps are taken to protect the victim of the offense. Provides that any disciplinary action taken against a student for violating a zero-tolerance policy must be based on the circumstances surrounding

the student's misconduct. Encourages school districts to use alternatives to expulsion or referral to law enforcement agencies unless using such alternatives would jeopardize school safety. **Effective Date: July 1, 2009.**

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s1540er.pdf>

Senate Bill 1718 (Ch. 2009-61): Judicial System; Courts; Traffic Control; Liens; Clerks of Court; Electronic Filing; Crimes and Penalties

This 34-page bill addresses a number of issues concerning the state judicial system. Amends F.S. 26.57 by revising the conditions under which a county court judge may be designated on a temporary basis to preside over circuit court cases. In addition to an increase in service charges and filing fees in probate, civil, and appellate matters, also revises sections in F.S. Chapter 318 relating to traffic law related penalties and fees. Changes to F.S. 318.18 add a \$12.50 administrative fee and a \$10.00 assessment to the civil penalties imposed by the court for all noncriminal violations under F.S. Chapters 320 and 322. New F.S. 939.185(1)(d) provides that, upon assessment of court costs in a criminal case, a lien will attach on any non-exempt real property the defendant owns in the county and also provides for similar liens against the defendant's non-exempt personal property located in the state. Under tentatively numbered F.S. 28.22205, the bill also requires each Clerk of Court to implement an electronic filing process to reduce judicial costs, increase timeliness in processing cases, and provide judges with a tool to improve case management. **Effective Date: July 1, 2009, except as the bill provides otherwise.**

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s1718er.pdf>

Senate Bill 1722 (Ch. 2009-63): Department of Corrections; Prisoners; Sentencing; Courts; Prison Diversion Program; Jails; Counties; Municipalities; Crimes and Penalties

This 20-page bill concerns a number of issues relating to the Department of Corrections [DOC]. New F.S. 775.082(10) requires that if a defendant is sentenced for an offense committed on or after July 1, 2009, which is a third degree felony but does not qualify as a forcible felony under F.S. 775.08, and excluding any third degree felony violation of F.S. Chapter 810, when the total sentence points are 22 points or fewer, the court must sentence the defendant to a nonstate prison sanction unless the judge makes a written finding that the nonstate prison sanction would be a danger to the public. Creates a "Prison Diversion Program" under new F.S. 921.00241. New F.S. 944.171 allows the DOC to contract with county or municipal facilities for the purpose of housing inmates committed to DOC. **Effective Date: July 1, 2009.**

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s1722er.pdf>

Senate Bill 1726 (Ch. 2009-64): Drug Courts; Courts; Sentencing; Probation; Community Control; Mitigating Circumstances; Controlled Substances; Pretrial Intervention Program; Crimes and Penalties

Revises F.S. 397.334 by adding post-sentencing provisions for drug court treatment referral, as a condition of probation or community control, to the existing pretrial intervention provisions. Creates new "mitigating circumstances" in F.S. 921.0026(2)(m), and new F.S. 948.01(7) revises the law concerning when a judge may place a defendant on probation or into community control. Amends circumstances in F.S. 948.06 under which a judge may sentence offenders in violation of probation or community control by reason of testing positive for illicit drug use. Also creates new provisions in F.S. 948.08 governing pretrial intervention programs, as well as in F.S. 948.20 governing drug offender probation. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s1726er.pdf>

Senate Bill 1742 (Ch. 2009-65): Fish and Wildlife Conservation Commission; Saltwater Fishing; Fishing Licenses; Florida Residents; Crimes and Penalties

This bill concerns the Fish and Wildlife Conservation Commission. ***Effective August 1, 2009,*** revises F.S. 379.353 by removing the section of law that provided a blanket exemption for Florida residents from the need to have a saltwater fishing license when fishing for a saltwater species in fresh water from land or from a structure fixed to land. Persons eligible for the food stamp program, temporary cash assistance, or Medicaid, with proper identification, are still exempt from the licensing requirement. ***Effective July 15, 2009,*** new F.S. 379.354(4)(k) establishes an annual resident shoreline fishing license that will cost \$7.50. ***Effective Date: May 27, 2009, except as the bill provides otherwise.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s1742er.pdf>

Senate Bill 1744 (Ch. 2009-66): Department of Agriculture and Consumer Services; Board of Professional Surveyors and Mappers; Surveyors; Mappers; Crimes and Penalties

This 76-page bill relates to a number of areas under the administration of the Department of Agriculture and Consumer Services [DACS]. ***Effective October 1, 2009,*** it creates extensive sections of law in F.S. Chapter 472 that provide for the creation of the Board of Professional Surveyors and Mappers. The bill contains many sections of law relating to that Board and its duties, including a process for examining and certifying persons in those professions. New F.S. 472.0132 makes it a third degree felony to steal, reproduce, or copy an examination administered by DACS pursuant to the certification process. It also creates a first degree misdemeanor in F.S. 472.02011 for specified persons to disclose confidential information relative to the examination and certification process. ***Effective Date: July 1, 2009, except as the bill provides otherwise.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s1744er.pdf>

Senate Bill 1778 (Ch. 2009-71): Department of Highway Safety and Motor Vehicles; Crash Reports; Service Charges; Fees

This 52-page bill revises many sections in F.S. Chapters 316, 318, 319, 320, and 322 by creating or increasing the amount that must be paid for crash reports, various service charges, and numerous other fees. ***Effective Date: September 1, 2009, except as the bill provides otherwise.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s1778er.pdf>

Senate Bill 1796 (Ch. 2009-74): “Transparency Florida Act”; Governor; Legislature; Appropriations; Governmental Financial Information; Agencies; Counties; Municipalities; Universities; Schools

Creates the “Transparency Florida Act” in new F.S. 215.985 by which the Executive Office of the Governor, in consultation with the legislative appropriations committees, will establish a new website. When created, the website will provide numerous categories of information concerning each appropriation in the General Appropriation Act for defined “governmental entities” that includes any state, regional, county, or municipal agency; special district; or other political subdivision, including public school districts, community colleges, state universities, or associated boards. ***Effective Date: May 27, 2009.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s1796er.pdf>

Senate Bill 1840 (Ch. 2009-79): Tobacco Products; Cigarettes; “Protecting Florida’s Health Act”; Taxation; Surcharges; Minors; Internet; Mail Order; Remote Sales; Contraband Articles; Forfeiture; Division of Alcoholic Beverages and Tobacco; Crimes and Penalties

This 27-page bill concerns a number of issues relating to tobacco products, including their taxation and regulation that includes new cigarette surcharges. New F.S. 210.095 creates provisions governing mail order, Internet, and remote sales of tobacco products, including age verification requirements for minors. It also creates various misdemeanor penalties for committing specified violations. In addition, any fixture, equipment, or other material or personal property on the premises of any person who, with the intent to defraud the state, mails or ships tobacco products and fails to satisfy requirements in this section is a contraband article per F.S. 932.701(2)(a)3 and would be subject to forfeiture. Revises F.S. 210.18(6), concerning tax evasion involving tobacco products, by eliminating the 50 carton limit that was required to be reached before violating the third degree felony. Also requires the Division of Alcoholic Beverages and Tobacco to create a toll-free number for reporting violations of the tax evasion statute. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s1840er.pdf>

Senate Bill 1868 (Ch. 2009-202): Pharmacists; Prescriptions; Controlled Substances; Photographic Identification

This bill, relating to the practice of pharmacy, amends provisions in a number of sections of law. Changes to F.S. 456.42 create standards for prescriptions of controlled substances. Also revises F.S. 893.04 to permit pharmacists to dispense controlled substances pursuant to prescriptions that do not contain all required information if the physician is unavailable to transmit the information telephonically when the pharmacist obtains valid photographic identification from the person to whom the prescription is dispensed. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s1868er.pdf>

Senate Bill 1986 (Ch. 2009-223): Home Health Agencies; Home Medical Equipment Providers; Health Care Clinics; Department of Health; Agency for Health Care Administration; Medicaid Fraud; Managed Care Plans; Medicaid Fraud Control Unit; Attorney General/Department of Legal Affairs; Florida Department of Law Enforcement; Rewards; Forfeiture; Exploitation; Elderly Persons; Disabled Adults; Fiduciary Duties; Background Checks; Crimes and Penalties

This 160-page bill covers a number of areas related to health care such as hospitals, home health care agencies, home medical equipment providers, health care clinics, the Department of Health [DOH], the Agency for Health Care Administration [AHCA], in addition to Medicare and Medicaid issues, including Medicaid Provider Fraud. New F.S. 408.8065 creates additional licensure requirements for home health agencies, home medical equipment providers, and health care clinics, and makes it third degree felony to violate any provision of this new law. Revises F.S. 409.920, relating to Medicaid Provider Fraud, by applying this section to newly-defined “managed care plans” and also amends the criminal penalty section. Creates F.S. 409.9203 that allows the Medicaid Fraud Control Unit of the Department of Legal Affairs [Attorney General], or the Florida Department of Law Enforcement, subject to available funding, to pay a reward to a person who provides original information relating to and reports a Florida Medicaid Fraud criminal violation that leads to a fine, penalty, or property forfeiture. Amends F.S. 825.103, concerning exploitation of an elderly person or disabled adult, to apply to the felony penalties for the breach of a fiduciary duty that results in an unauthorized appropriation, sale, or transfer of property. New F.S. 408.809(5) revises health care licensing background screening criteria by expanding the offenses that need to be reviewed. Due to the length of this bill, please review it in order to determine all applicable additions and changes. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s1986er.pdf>

Senate Bill 2188 (Ch. 2009-187): Administrative Procedures; Rules; Agencies; Internet; Websites; “Administrative Procedure Act”

This 20-page bill amends various sections in F.S. Chapter 120 relating to administrative procedures and rules. Revised F.S. 120.52(1) provides a new definition of “agency” to codify existing case law. Amended F.S. 120.525 requires agencies to give notice of public meetings, hearings, and workshops by posting notice on its own website in addition to publishing notice in the Florida Administrative Weekly. Revised F.S. 120.54(3)(c) requires

that agency staff must be available whenever public meetings are held in order to explain the agency's proposal and to respond to questions or comments on the rule. It also provides that the agency shall consider all comments submitted to it between the date of publication of the notice and the end of the final public hearing. In addition, any changes other than technical changes must be supported by the record of public hearings held on the rule and must be in response to written material submitted to the agency within 21 days after the date of publication of the notice or submitted to the agency between the date of publication of the notice and the end of the final public hearing. Per changes to F.S. 120.54(5)(b)7, an agency must publish its required statement of agency organization on the agency's website in order to make the information more accessible to the public. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s2188er.pdf>

Senate Bill 2226 (Ch. 2009-241): Mortgages; Brokers; Lending; Financial Services Commission; Office of Financial Regulation; Loan Originator Licenses; Mortgage Broker Licenses; Mortgage Lender Licenses; Criminal History Checks; Florida Department of Law Enforcement; Federal Bureau of Investigation; Repeals; Crimes and Penalties

This 121-page bill covers many areas of law relating to mortgage brokering and mortgage lending. Revises the felony penalty section in F.S. 494.0018 to reflect the creation of F.S. 494.00255 and the repeal of F.S. 494.0041 and F.S. 494.0072 as they relate to penalties and fines for license violations for mortgage brokers and mortgage lenders. In F.S. 494.00312, F.S. 494.00321, and F.S. 494.00611 creates a system for obtaining loan originator licenses, mortgage broker licenses, and mortgage lender licenses, respectively, through the Office of Financial Regulation of the Financial Services Commission. Included in the system is a required criminal history check through the Florida Department of Law Enforcement and the Federal Bureau of Investigation. Due to the length of this bill, please review it in order to determine all applicable additions and changes. ***Effective Date: October 1, 2010, except as the bill provides otherwise.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s2226er.pdf>

Senate Bill 2276 (Ch. 2009-190): DNA; "DNA Database Act"; Florida Department of Law Enforcement; Jails; Correctional Facilities; Juvenile Facilities; Sheriffs; Courts; Reasonable Force; Immunity; Liability; Crimes and Penalties

This bill, the "DNA Database Act", makes a substantial rewording of F.S. 943.325 related to DNA testing. While the bill authorizes a phased-in DNA testing of arrestees, the authorization was subject to legislative funding of the increased costs of such testing. No funding was provided for FY 09-10, and consequently, no arrestee DNA testing will occur. FDLE is authorized to, and will, reject any arrestee DNA submissions until such time as the program is funded and FDLE is ready to begin processing such arrestee samples. The current testing of those convicted of felonies and listed misdemeanor offenses continues and is not changed by this bill. The bill specifies that the statewide DNA database maintained by FDLE may contain DNA data obtained from the following types of biological samples: (a) Crime scene samples; (b) Samples obtained from qualifying offenders required by the law to

provide a biological sample for DNA analysis and inclusion in the statewide DNA database; (c) Samples lawfully obtained during the course of a criminal investigation; (d) Samples from deceased victims or suspects that were lawfully obtained during the course of a criminal investigation; (e) Samples from unidentified human remains; (f) Samples from persons reported missing; (g) Samples voluntarily contributed by relatives of missing persons; and (h) Other samples approved by FDLE.

For convicted persons, the personnel at the jail, correctional facility or juvenile facility are mandated to collect DNA samples and submit them to FDLE. For convicted offenders required to give DNA who are not incarcerated, the offender "...may not be released from the custody of the court at the time of sentencing or released pursuant to bond or surety until the DNA sample required...has been taken by the sheriff or his or her designee...."

Subsection (8) of the law authorizes the use of "reasonable force" to collect a required DNA sample. Section (10) provides immunity from liability for those using authorized kits and taking samples in a reasonable manner. Section (11) specifies the information that must accompany any submitted DNA sample. Section (15) adds a new misdemeanor offense for any person who discloses DNA testing results in a manner not authorized by the law. Section (16) adds new language outlining how persons who have had their conviction finally set aside, or persons who were arrested but were not subject to a formal prosecution, or who were acquitted or whose charges were nolle prossed or dismissed, and whose DNA sample was not otherwise required to stay in the database, can petition FDLE to have their DNA results removed from the database. Those dealing with DNA investigative evidence, sample collection, and the statewide DNA database should read this new law carefully.

Effective Date: July 1, 2009.

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s2276er.pdf>

Senate Bill 2282 (Ch. 2009-191): First Responders; Hazardous Materials; Ambulance Services; Fees; Counties; Municipalities

Creates F.S. 125.01045, which prohibits counties from charging fees or seeking reimbursement for services provided by a first responder, except for expenses related to containing or cleaning hazardous materials in quantities reportable to the Florida State Warning Point at the Division of Emergency Management, and for cost of transportation and for treatment provided by licensed ambulance services. New F.S. 166.0446 provides identical language as F.S. 125.01045 that prohibits municipalities from charging fees or seeking reimbursement for the same services in the "county" law section. Also clarifies the definition of "first responder" to include paid as well as volunteer law enforcement officers, firefighters, or emergency medical technicians or paramedics who work for state or local government. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s2282er.pdf>

Senate Bill 2574 (Ch. 2009-80): Information Technology; Agency for Enterprise Information Technology; Agencies; Information Security; State Data Center System; Office of Information Security; Statewide E-Mail System; Statewide Radio Communications System; Department of Management Services; Florida Department of Law Enforcement; Division of Emergency Management

This 56-page bill covers many issues concerning information technology and security as well as the statewide radio communications system. Amends F.S. 14.204 that revises the duties of the Agency for Enterprise Information Technology [AEIT] concerning information security and related issues. Makes many changes to F.S. 282.201 concerning the state data center system. Among revisions to F.S. 282.318, concerning security of data and information technology resources, requires agency heads to designate an information security manager in writing provided to the Office of Information Security [OIS] by January 1 of each year. Agency heads must also submit to OIS by July 31 of each year the agency's strategic and operational information security plans developed pursuant to OIS rules and guidelines. This section of law also details what agency heads must include in their annual strategic and operational information security plans and requires agency heads to provide security awareness and training to employees and users of the agency's Information Technology resources. Agencies must develop a process for detecting, reporting, and responding to confirmed security incidents and breaches, including reporting incidents to OIS. New F.S. 282.34 relates to creation of a statewide e-mail system. Renumbers F.S. 282.1095, state agency law enforcement radio system and interoperability network, as F.S. 282.709 and requires the Department of Management Services [DMS] in conjunction with the Florida Department of Law Enforcement and the Division of Emergency Management to establish policies, procedures, and standards for a comprehensive management plan for use and operation of the statewide radio communications system. It also sets requirements for creating the statewide radio communications system and provides that DMS shall operate mutual aid channels "in a manner that reasonably addresses" the needs and concerns of the involved law enforcement agencies and emergency response agencies and entities. Also creates the Joint Task Force on State Agency Law Enforcement Communications to advise DMS. Establishes a State Agency Law Enforcement Radio System Trust Fund funded through surcharges collected per statute. **Effective Date: May 27, 2009.**

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s2574er.pdf>

Senate Bill 2612 (Ch. 2009-132): Substance Abuse; Mental Health Services; Department of Children and Family Services; Crisis Stabilization Units; Physician Assistants; Advanced Registered Nurse Practitioners; Crimes and Penalties

This 80-page bill deals with issues involving substance abuse and mental health services and mainly impacts the Department of Children and Family Services. Included in the law is a change to F.S. 397.405, concerning licensing under F.S. Chapter 397, that exempts crisis stabilization units, physician assistants, and advanced registered nurse practitioners from licensing requirements. Failure to comply with any requirement necessary to maintain an exempt status is a first degree misdemeanor under F.S. 397.405. **Effective Date: July 1, 2009.**

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s2612er.pdf>

Senate Bill 2630 (Ch. 2009-93): Motor Vehicle Dealers; Motor Vehicles; Recreational Vehicle Dealers; Titles; Department of Highway Safety and Motor Vehicles; Crimes and Penalties

This 24-page bill concerns motor vehicle dealerships, recreational vehicle dealerships, and the Department of Highway Safety and Motor Vehicles. Revises F.S. 320.771(10), relating to recreational vehicle dealer licensing and duties required of such dealers, by establishing changes concerning required evidence of title. Violation of the new language is a second degree misdemeanor per F.S. 320.771(12). **Effective Date: May 28, 2009.**

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s2630er.pdf>

Senate Bill 2658 (Ch. 2009-193): Fraud; Home Health Agencies; Home Medical Equipment Providers; Health Care Clinics; Crimes and Penalties

This bill addresses a number of issues concerning fraud and abuse in state-funded programs relating to health care issues. New F.S. 408.8065, which details licensure requirements for home health agencies, home medical equipment providers, and health care clinics, creates a third degree felony for persons who offer such services without obtaining a valid license; or for knowingly filing a false or misleading license or license renewal; or for submitting false or misleading information concerning an application. **Effective Date: July 1, 2009.**

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s2658er.pdf>

Senate Bill 2700 (Ch. 2009-158): Secondhand Dealers; Counties/Municipalities; Mail-In Secondhand Precious Metals Dealers; Law Enforcement Agencies; Sheriffs; Holding Periods; Department of Agriculture and Consumer Services; Crimes and Penalties

This 11-page bill covers a number of topics concerning F.S. Chapter 538 relating to secondhand dealers. Changes to F.S. 538.03 delete cardio and strength training or conditioning equipment designed primarily for indoor use from the definition of secondhand goods. Creates Part III of F.S. Chapter 538 [F.S.S. 538.31 through 538.37] that establishes a process governing "Mail-In Secondhand Precious Metals Dealers" who must register with the Department of Agriculture and Consumer Services. This new section of law includes definitions, registration, transaction, and recordkeeping requirements. It also includes requirements for dealers to work with and provide specified information to the appropriate sheriff's office or law enforcement agency with jurisdiction over the dealer. Dealers must collect and sellers must give accurate identifying information. A ninety-day hold period is created in the case of suspected stolen merchandise. This new section creates a list of felony penalties for failure to register and otherwise comply with the new law. [NOTE: See House Bill 339, Chapter Number 2009-162, for similar provisions.] **Effective Date: October 1, 2009.**

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s2700er.pdf>

House Bill 7001 (Ch. 2009-112): Department of Citrus; “Citrus Stabilization Act of Florida”; Repeals; Crimes and Penalties

Included in this bill concerning the Department of Citrus is the repeal of F.S. 601.154, the “Citrus Stabilization Act of Florida” that contained a second degree misdemeanor in subsection (16). ***Effective Date: June 1, 2009.***

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h700101er.pdf>

House Bill 7017 (Ch. 2009-235): Public Records; Building Plans; Agencies

Reenacts F.S. 119.071(3) that relates to the exemption from public records release for building plans, blue prints, schematic drawings, and diagrams held by an agency. Renumbers the section of law that provides the exemptions do not apply to comprehensive plans or site plans submitted for approval under local land development regulations. ***Effective Date: October 1, 2009.***

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h701701er.pdf>

House Bill 7027 (Ch. 2009-153): Public Records; Motor Vehicles Records; “Driver’s Privacy Protection Act of 1994”

Reenacts and amends F.S. 119.0712 concerning the exemption from public records release for personal information contained in motor vehicle records. It also removes provisions that are duplicative of the federal prohibition on the release and use of personal information contained in state motor vehicle records under the federal “Driver’s Privacy Protection Act of 1994.” ***Effective Date: October 1, 2009.***

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h702703er.pdf>

House Bill 7037 (Ch. 2009-169): Public Records; Federal Prosecutors; Federal Judges; Federal Magistrates

Reorganizes the public records exemptions in F.S. 119.071 concerning federal prosecutors, judges, and magistrates and their home address, telephone, photograph, spouse, and child information. New subsection (5) includes definitions of “identification” and “location information” and requires a written request to exempt information in addition to a written statement that the persons requesting use of the exemption have made reasonable efforts to protect the information from being accessible through other means available to the public. ***Effective Date: October 1, 2009.***

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h703701er.pdf>

House Bill 7043 (Ch. 2009-236): Public Records; Public Meetings; Scripps Florida Funding Program; Donors; Repeals; Crimes and Penalties

Amends F.S. 288.9551 concerning the exemption from public records and public meeting requirements for the Scripps Florida Funding Program. Changes the elements of the law

governing when material may be exempt from release, including the addition of a requirement that donors or potential donors must request anonymity to qualify a record from being released. Also repeals the first degree misdemeanor violation for public employees who violate the release law while creating a new second degree misdemeanor that applies to any person who violates the law. **Effective Date: October 1, 2009.**

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h704302er.pdf>

House Bill 7051 (Ch. 2009-237): Public Records; Social Security Numbers; Employers and Employees; Agencies

This 11-page bill revises F.S. 119.071(4) by providing that social security numbers of current and former agency employees held by employing agency are confidential and exempt from public records requirements. It also requires that agencies identify in writing specific federal or state laws governing their collection, use, and release of social security numbers for each purpose for which the agency collects a social security number, including any authorized exceptions that apply to such collection, use, or release. An agency collecting an individual's social security number must also include in the written statement whether collection of the number is authorized or mandatory under federal or state law. New language also specifies eight (8) circumstances under which social security numbers held by an agency may be disclosed. **Effective Date: October 1, 2009.**

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h705102er.pdf>

House Bill 7125 (Ch. 2009-156): Public Records; Public Meetings; Military Bases; Florida Council on Military Base and Mission Support; Crimes and Penalties

New F.S. 288.985 exempts from public records and public meeting requirements specified records concerning military bases and other topics that are held by the Florida Council on Military Base and Mission Support. Any person who willfully and knowingly violates this law commits a first degree misdemeanor. **Effective Date: July 1, 2009.**

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h712501er.pdf>

House Bill 7141 (Ch. 2009-171): Seaports; Terrorism; Controlled Substances; Seaport Security Standards Advisory Council; Office of Drug Control; Florida Department of Law Enforcement; Employers and Employees; "TWIC"; Affidavits; Firearms; Concealed Weapons; Law Enforcement Agencies; Sheriffs; Criminal History Checks; Repeals; Crimes and Penalties

Substantial re-wording of F.S. 311.12; see bill for full details; expands membership of Seaport Security Standards Advisory Council (creates FS 311.115); eliminates the Florida Uniform Port Access Credential (repeals FS 311.125); adds offenses to current list of disqualifiers for port access; provides for alignment of some provisions of state law to federal requirements, see, e.g., port credentials (TWIC) and designation of port areas (repeals FS 311.111); adds "secure" areas for designation; creates processes for applicants with and without federal credential/TWIC, including requiring affidavit or waiver process; creates third degree felony for submission of false information on the required affidavit by an applicant for

port access, with a permanent disqualification from port access if convicted; expands categories of persons eligible to apply for waiver to obtain port access; provides that FS 790.251 ("Guns at Work") is not superseded, preempted, or otherwise modified by F.S. 311.12, including current prohibition in FS 311.12 against possession of a concealed weapon in a restricted area; directs FDLE to administer a statewide port access eligibility reporting system and creates a third degree felony for submitting information known to be false or misleading to FDLE for entry into the system; requires Office of Drug Control to commission update of the Florida Seaport Security Assessment 2000; and authorizes FDLE to create pilot project with seaports to perform access eligibility and background screening requirements in FS 311.12, as amended, transferring equipment from DHSMV to FDLE. ***Effective Date: July 1, 2009.***

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h714103er.pdf>

EFFECTIVE DATES OF 2009 LAWS**2009 REGULAR SESSION**

**Bills/Chapters Marked With An Asterisk (*) Have Multiple Effective Dates
Please See Summaries for Details**

EFFECTIVE PRIOR TO JULY 1, 2009

Bill # (Chapter #)	Bill # (Chapter #)	Bill # (Chapter #)
CS/CS/SB 168 (2009-95)	CS/SB 1534 (2009-185)	CS/SB 2574 (2009-80)
CS/SB 344 (2009-32)	CS/SB 1718* (2009-61*)	CS/CS/CS/SB 2630 (2009-93)
CS/CS/SB 1100* (2009-183*)	CS/SB 1742* (2009-65*)	HB 7001 (2009-112)
CS/CS/CS/HB 1495 (2009-87)	CS/CS/SB 1796 (2009-74)	

EFFECTIVE JULY 1, 2009

Bill # (Chapter #)	Bill # (Chapter #)	Bill # (Chapter #)
CS/HB 115 (2009-194)	CS/CS/CS/CS/SB 462 (2009-198)	CS/CS/CS/CS/SB 1540 (2009-53)
CS/CS/SB 126 (2009-34)	CS/CS/HB 479 (2009-209)	CS/SB 1718* (2009-61*)
CS/HB 135 (2009-104)	CS/CS/HB 483 (2009-242)	CS/SB 1722 (2009-63)
CS/HB 177 (2009-229)	CS/CS/SB 526 (2009-174)	CS/SB 1726 (2009-64)
SB 216 (2009-125)	CS/SB 554 (2009-216)	CS/SB 1744* (2009-66*)
SB 252 (2009-126)	CS/SB 624 (2009-200)	CS/CS/SB 1778* (2009-71*)
CS/CS/HB 271 (2009-33)	CS/HB 635 (2009-122)	CS/CS/SB 1840 (2009-79)
CS/CS/HB 293* (2009-206*)	HB 687 (2009-110)	CS/CS/SB 1868 (2009-202)
SB 318 (2009-22)	CS/SB 746 (2009-179)	CS/CS/CS/SB 1986 (2009-223)
CS/CS/HB 333 (2009-137)	CS/CS/SB 766 (2009-218)	CS/SB 2188 (2009-187)
HB 381 (2009-43)	SB 788 (2009-170)	CS/CS/SB 2226* (2009-241*)
CS/CS/HB 405 (2009-208)	HB 1003 (2009-233)	CS/CS/SB 2276 (2009-190)
CS/SB 408 (2009-127)	CS/SB 1018 (2009-114)	CS/SB 2282 (2009-191)
CS/SB 412 (2009-215)	HB 1021 (2009-85)	CS/CS/SB 2612 (2009-132)
CS/SB 414 (2009-128)	SB 1030 (2009-220)	CS/CS/SB 2658 (2009-193)
CS/CS/SB 440 (2009-197)	CS/SB 1312 (2009-184)	CS/HB 7125 (2009-156)
CS/CS/SB 456 (2009-38)	CS/CS/HB 1423* (2009-86*)	CS/HB 7141 (2009-171)

EFFECTIVE JULY 7, 2009 THROUGH SEPTEMBER 1, 2009

Bill # (Chapter #)	Bill # (Chapter #)	Bill # (Chapter #)
SB 1284 (2009-21) — 7/7/09	CS/SB 1742* (2009-65*)— 7/15/09	CS/SB 1742* (2009-65*)— 8/1/09
	CS/CS/SB 1778* (2009-71*)— 9/1/09	

EFFECTIVE OCTOBER 1, 2009

Bill # (Chapter #)	Bill # (Chapter #)	Bill # (Chapter #)
CS/CS/CS/HB 29 (2009-159)	CS/CS/CS/CS/HB 425* (2009-195*)	HB 7017 (2009-235)
CS/CS/HB 57 (2009-102)	CS/CS/HB 481 (2009-138)	CS/HB 7027 (2009-153)
CS/HB 123 (2009-160)	CS/CS/CS/SB 904 (2009-180)	HB 7037 (2009-169)
CS/HB 169 (2009-105)	CS/SB 1744* (2009-66*)	CS/HB 7043 (2009-236)
CS/SB 258 (2009-173)	CS/CS/SB 2700 (2009-158)	CS/HB 7051 (2009-237)
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