

**2010 LEGISLATIVE SUMMARY
LAWS OF INTEREST TO FLORIDA LAW ENFORCEMENT**

This Legal Bulletin contains brief summaries of most laws of interest to the Florida law enforcement community that were passed during the regular session of the 2010 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, and Fern Rosenwasser 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. We have not discussed every element of every summarized law. *Do not rely solely on our summary for a complete understanding of any bill.* Law enforcement officers should check with their chain of command and agency legal advisors to determine the effect specific legislation may have upon agency operations. If you have any suggestions or comments regarding future summaries, please feel free to contact 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



2010 LEGISLATIVE SUMMARY

House Bill 1 (Ch. 2010-45): “Jeffrey Klee Memorial Act”; Statute of Limitations; Civil Actions; Murder; Manslaughter; Crimes and Penalties

Amends F.S. 95.11 by eliminating the statute of limitations for wrongful death actions for intentional torts resulting in death from the acts described in F.S. 782.04, relating to murder, or F.S. 782.07, relating to manslaughter. The amendment does not require an arrest, filing of formal criminal charges, or a conviction for a violation of F.S. 782.04 or F.S. 782.07 as a condition for filing a civil action under this section. This amendment applies to any claim that is not otherwise time barred on the effective date of this act. ***Effective Date: May 11, 2010.***

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h000101er.pdf>

House Bill 11 (Ch. 2010-46): Homeless Persons; Prejudice; Sentencing; Crimes and Penalties

Amends F.S. 775.085, regarding cases where prejudice is evidenced during the commission of a crime, by adding a person in a newly-defined “homeless status” to the list of categories of victims that include such designations as race, color, ancestry, etc., for which enhanced penalties can be imposed. If it is determined that a crime was committed against someone because of the victim’s “homeless status” most criminal penalties are enhanced by one degree. ***Effective Date: October 1, 2010.***

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h001101er.pdf>

House Bill 33 (Ch. 2010-47): Alcoholic Beverages; Minors; Crimes and Penalties

This bill amends F.S. 562.11, which prohibits the selling, giving, or serving alcoholic beverages to a person under age 21, by providing an increased penalty for violation of subparagraph (1)(a) of F.S. 562.11. The new language makes a second or subsequent violation of this subparagraph within one year after a prior conviction a first-degree misdemeanor. It also provides a complete defense to a charge of violating F.S. 562.11(1)(a) if the accused was presented false evidence that the buyer or recipient was 21 years of age; the buyer’s or recipient’s appearance was such that a prudent person would believe the buyer or recipient to be older than 21 years of age; or the accused carefully checked a driver’s license or state identification card issued by any state of the United States, a passport, or military identification card presented by the buyer or recipient and relied upon it

in good faith as proof the buyer or recipient was over 21 years of age. ***Effective Date: July 1, 2010.***

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h003302er.pdf>

House Bill 91 (Ch. 2010-31): Adult Protective Services; Vulnerable Adults; Central Abuse Hotline; Sheriffs; Department of Children and Family Services

This bill addresses a number of issues concerning adult protective services. Amends the definition of “vulnerable adult” in F.S. 415.102 by adding adults who are impaired due to sensory disabilities. Revises a section of F.S. 415.03, relating to the Central Abuse Hotline administered by the Department of Children and Family Services, by requiring that when the hotline receives a report of known or suspected abuse of a vulnerable adult by someone other than a relative, caregiver, or household member, that the report must immediately be transferred to the appropriate sheriff’s office. ***Effective Date: July 1, 2010.***

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h009102er.pdf>

House Bill 119 (Ch. 2010-92): Sexual Offenders/Predators; Loitering and Prowling; Schools; Minors; Child Care Facilities; Day Care Centers; Transient Residence; Sheriffs; Law Enforcement Agencies; Notification; Conditional Releasees; Probationers; Community Controllees; Victims; Crimes and Penalties

This 70-page bill concerns many topics relating to sexual offenders and sexual predators. New F.S. 856.022 makes it a first-degree misdemeanor for certain offenders to loiter or prowl within 300 feet, of a place where children regularly congregate. This same section of law also makes it first-degree misdemeanor for certain offenders to be present at specified child care facilities or schools without first having provided written notice of intent to be present at the applicable facility. The bill creates a definition of “child care facility” in many sections of the Florida Statutes and substitutes that term for day care center. In addition, there is a new definition for “transient residence” and information relating to this status of residence must be provided during sex offender/predator registration. The bill also includes other references to “transient residence” that place additional duties and responsibilities on sexual offenders and sexual predators, as well on as law enforcement agencies and sheriff’s offices. These offices must make public notification of an offender’s or predator’s transient residence if applicable. The failure of sexual predators or offenders to follow sections of law related to transient residence requirements can subject such persons to criminal penalties. Per changes to renumbered F.S. 775.215 [formerly F.S. 794.065], F.S. 947.1405, and F.S. 948.30, a sexual offender, conditional releasee, or probationers or community controllees, respectively, may not be forced to move if living in a residence that complies with statutory sexual offender restrictions and a child care facility, park, playground or school is subsequently established within 1,000 feet of the residence. New language in F.S. 947.1405 and F.S. 948.30 prohibit certain conditional releasees, probationers, and community controllees from distributing candy or other items to children on Halloween; from wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at a children’s party; or wearing a clown costume without receiving prior permission. Also amends F.S. 943.04354, governing removal of the requirement to register

as a sexual offender or sexual predator in special circumstances [referred to as the “Romeo-Juliet” relief law because of the closeness in age of perpetrator and victim], by adding F.S. 827.071 [Sexual Performance by a Child] to the list of offenses for which removal of registration requirements may be considered. Due to the length of this bill and the number of topics it contains, please review it in order to determine all applicable additions and changes. ***Effective Date: May 26, 2010.***

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h011904er.pdf>

House Bill 131 (Ch. 2010-167): Elections; Counties; Municipalities; Absent Uniformed Services Voters; Overseas Voters; Voter Challenges; Absentee Ballots; Electioneering Communications; Political Committees; Crimes and Penalties

This 57-page bill addresses a number of issues regarding elections in F.S. Chapters 97, 98, 101, 102, and 106. New F.S. 97.0115 specifies that all matters in F.S. Chapters 97-105 are preempted to the state except as otherwise specifically authorized by state or federal law. Municipal elections are to be governed by F.S. 100.3605. Creates a definition of “absent uniformed services voter” in F.S. 97.021 and creates procedures in other sections of law regarding such voters. Also amends the definition of “overseas voter” in F.S. 97.021. Revises the process for voter challenges in F.S. 101.111 and amends provisions concerning absentee ballot requests in F.S. 101.62. Revises provisions concerning electioneering communications in F.S. 106.011 and electioneering communications organizations in F.S. 106.03 and F.S. 106.0703. Per new language in F.S. 106.0703(4), the treasurer of an electioneering communications organization who willfully certifies the correctness of a report required under this section when the treasurer knows that such report is incorrect, false, or incomplete commits a first-degree misdemeanor. Adds a requirement in F.S. 106.1439 that any electioneering communication telephone call identify the persons or organizations sponsoring the call (with a specified exemption) and any person who fails to include a required disclaimer commits a first-degree misdemeanor. ***Effective July 1, 2010,*** amends laws concerning absentee ballots for absent uniformed services voters and overseas voters in F.S. 101.6952. ***Effective Date: May 28, 2010, except as the bill provides otherwise.***

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h013105er.pdf>

Senate Bill 150 (Ch. 2010-94): Athletic Coaches; Youth Athletic Teams; Independent Sanctioning Authorities; Background; Screening; Sexual Offenders/Predators; Civil Liability; Florida Department of Law Enforcement

Creates tentatively numbered F.S. 943.0438 that requires a defined “independent sanctioning authority” of a youth athletic team to annually screen the background of a current or prospective defined “athletic coach” through designated online Florida and federal sexual predator/offender registries. An independent sanctioning authority may not authorize a person to act as an athletic coach after July 1, 2010, unless the coach has successfully passed the required background screening. It also requires that the independent sanctioning authority disqualify any athletic coach appearing on a registry and includes a disqualification procedure. The sanctioning authority must also maintain documentation of screening results and disqualification notices. There is a rebuttable presumption concerning absence of civil liability negligence when the independent sanctioning authority complies with the

background screening and disqualification requirements. The bill also recommends that the independent sanctioning authorities conduct record checks using the Florida Department of Law Enforcement's Volunteer and Employee Background Check (VECHS) program per F.S. 943.0542. ***Effective Date: July 1, 2010.***

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s0150er.pdf>

House Bill 303 (Ch. 2010-84): Real Estate Appraisers; Appraisal Management Companies; Fingerprints; Florida Department of Law Enforcement; Federal Bureau of Investigation; Background Checks; Screening; Crimes and Penalties

This 28-page bill deals with a number of areas relating to real estate appraisers. New F.S. 475.6235 establishes procedures for registration of appraisal management companies. It contains a requirement that fingerprints of all persons, who possess the authority to direct the management or policies of such a company, be sent to the Florida Department of Law Enforcement and the Federal Bureau of Investigation for criminal history checks. Also revises F.S. 475.626 by extending the second-degree misdemeanor penalties to appraisal management companies, registered trainee appraisers, and licensed or certified appraisers who violate this section of law. ***Effective Date: July 1, 2011.***

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h030304er.pdf>

Senate Bill 312 (Ch. 2010-171): Public Records; Public Defenders; Criminal Conflict Counsel; Civil Regional Counsel; Schools; Day Care Facilities

Creates F.S. 119.071(4)(d)1.j. that provides that the home addresses, telephone numbers, and photographs of current and former public defenders, assistant public defenders, criminal conflict and civil regional counsel; the home addresses, telephone numbers, and places of employment of the spouses and children of such defenders and counsel; and the names and locations of schools and day care facilities attended by the children of such defenders and counsel are exempt from public records release under F.S. 119.071(1) and Section 24(a), Article I of the State Constitution. ***Effective Date: July 1, 2010.***

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s0312er.pdf>

House Bill 317 (Ch. 2010-51): Threats; Electronic Communications; Crimes and Penalties

Amends F.S. 836.10 by adding "electronic communication" to the types of communications of threats to kill or do bodily harm that may be punished as a felony of the second degree. ***Effective Date: October 1, 2010.***

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h031702er.pdf>

Senate Bill 318 & Senate Bill 572 (Ch. 2010-185): Wildlife; Fish and Wildlife Conservation Commission; Reptiles; Snakes; Nonnative Wildlife; Indigenous Wildlife; Conditional Reptiles; Prohibited Reptiles; Crimes and Penalties

This 22-page bill concerns wildlife regulation and the Fish and Wildlife Commission in particular. Revises a number of terms in F.S. Chapter 379 by changing “indigenous” to “native”, “foreign” to “nonnative”, and “nonindigenous” to “nonnative.” Amends provisions in F.S. 379.372, relating to misdemeanor violations for capturing, keeping, possession, transporting various reptiles, including newly-added categories of “prohibited reptiles” and “conditional reptiles.” Specifically adds language regarding keeping, possessing, importing, selling, bartering, trading, or breeding named reptiles that include various types of pythons, Green Anacondas, and Nile monitors. Also revises provisions in F.S. 379.3761 concerning exhibition or sale of wildlife, violation of which section is a misdemeanor as provided in F.S. 379.4015. ***Effective Date: July 1, 2010.***

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s0318er.pdf>

House Bill 325 (Ch. 2010-80): Traffic Control; Motor Vehicles; “Mark Wandall Traffic Safety Act”; Traffic Infraction Detectors; Cameras; Red Lights; Department of Highway Safety and Motor Vehicles; Law Enforcement Agencies; Sheriffs; Counties; Municipalities; Department of Transportation; Drivers Licenses; Crimes and Penalties

This 25-page bill, the “Mark Wandall Traffic Safety Act” covers a number of topics relating to traffic control and specifically creates provisions in F.S. Chapters 316 and 321 by which counties, municipalities, and the Department of Highway Safety and Motor Vehicles (DHSMV) are authorized to set up and use “traffic infraction detectors.” Under the law cameras may be used to enforce violations of specified laws for a driver’s failure to stop at a traffic signal. New F.S. 316.0076 specifically preempts to the state the regulation of the use of the cameras. Per F.S. 316.07456, all traffic infraction detectors must meet standards established by the Florida Department of Transportation. The fine for a red light violation is \$158 per F.S. 318.18(15). Revised F.S. 316.640 allows DHSMV, sheriffs, and municipal law enforcement agencies to employ trained traffic infraction enforcement officers to issue a traffic citation under F.S. 316.0083. The infraction enforcement officers must be physically located in the county of the respective sheriff’s or police department. Amended F.S. 322.27, governing the authority of DHSMV to suspend or revoke a drivers license, specifies that no points are to be assessed against a driver’s record when traffic signal laws are enforced by a traffic infraction enforcement officer. Per F.S. 316.0083(1)(d)4, if a person submits a false affidavit claiming that he or she was not operating a vehicle that was caught by camera for a red light infraction, that person commits a second-degree misdemeanor. [NOTE: See Companion House Bill 5501 on Page 22 of this Summary.] ***Effective Date: July 1, 2010, except as the bill provides otherwise.***

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h032505er.pdf>

Senate Bill 366 (Ch. 2010-118): Pipes; Smoking Devices; Retail Sales; Water Pipes; Chillums; Bongs; Crimes and Penalties

Creates F.S. 569.0073 to prohibit the retail sale of certain smoking pipes and smoking devices specified in the act, including water pipes, chillums, and bongs. Sellers may sell the pipes if they meet listed criteria in the act including having a retail tobacco products dealer permit under F.S. 569.003. Violation of this act is a first-degree misdemeanor. ***Effective Date: July 1, 2010.***

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s0366er.pdf>

Senate Bill 464 (Ch. 2010-79): Military Affairs; National Guard; Reserve Forces; Leaves of Absence; Employers and Employees

Revises F.S. 115.07(2) regarding leaves of absence for reserve or National Guard personnel who are employed by the state, counties, or municipalities by amending language to provide that leaves of absence granted as a matter of legal right under this section of law may not exceed 240 working hours in any one annual period. Previously the language in this section had specified that leaves of absence were for a maximum of 17 working days in any one annual period. Because of the shift to the hourly figure, the bill also deleted how to convert work hours into work days. ***Effective Date: July 1, 2010.***

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s0464er.pdf>

Senate Bill 502 (Ch. 2010-119): Special investigators; State Attorneys; Sheriffs; Law Enforcement Officers; Task Forces

Amends F.S. 27.251 by removing the requirement that state attorney's special investigators be employed full-time. It allows a state attorney to now employ any municipal or county police officer or sheriff's deputy on a part-time basis as a special investigator. It further clarifies that the special investigator may serve on a state attorney's office special task force to investigate any criminal matter that might benefit from the aid of a task force retaining special investigators, not just an organized crime task force. ***Effective Date: July 1, 2010.***

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s0502er.pdf>

House Bill 525 (Ch. 2010-54): Sexual Battery; Statute of Limitations; Courts; Civil Actions; Crimes and Penalties

Creates F.S. 95.11(9), relating to civil actions, and F.S. 775.15(13)(c), relating to criminal actions, that eliminates the statute of limitations for the commencement of actions arising from a violation of F.S. 794.011, sexual battery on a child who is under the age of 16 at the time of the offense. The law applies to any offense except those time barred on or before the effective date of the act. ***Effective Date: July 1, 2010.***

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h052501er.pdf>

Senate Bill 550 (Ch. 2010-205): Environmental Protection; Public Drainage Canals; Crimes and Penalties

As part this 171-page bill relating to environment protection, amends language in F.S. 298.66 concerning the third-degree felony violations for obstructing public drainage canals. *Effective Date: July 1, 2010.*

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s0550er.pdf>

House Bill 551 (Ch. 2010-130): Code of Ethics; Standards of Conduct; Public Records; Public Meetings; Counties; Municipalities

Amends provisions in F.S. 112.324(2), concerning procedures for complaints of violations relating to the Code of Ethics, by providing confidentiality and exemptions from public records release and public meeting requirements for counties or municipalities that have established a local investigatory process to enforce more stringent standards of conduct and disclosure requirements as provided in F.S. 112.326. It also specifies how long any exemptions apply. *Effective Date: July 1, 2010.*

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h055102er.pdf>

House Bill 615 (Ch. 2010-218): Substantial Assistance; Sentencing; State Attorneys; Courts; Crimes and Penalties

Creates F.S. 921.186 that will permit the a state attorney to move the sentencing court to reduce or suspend the sentence of a subject who is convicted of a felony, but who provides substantial assistance in the identification, arrest, or conviction of any of the subject's accomplices, accessories, coconspirators, or principals or any other person engaged in criminality that would constitute a felony. Arresting agencies retain the right to be heard on the motion which may be heard in camera. The judge has the authority to reduce or suspend the subject's sentence if he or she finds the defendant rendered substantial assistance as described in the act. *Effective Date: July 1, 2010.*

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h061502er.pdf>

House Bill 631 (Ch. 2010-198): Motor Vehicles; Department of Highway Safety and Motor Vehicles; Recreational Off-Highway Vehicles; Counties; Municipalities; Ordinances; For-Sale Vehicles; Towing; Liens; Derelict Motor Vehicles; Major Component Parts; Catalytic Converters; Crimes and Penalties

This 43-page bill addresses a number of topics concerning motor vehicles, the Florida Department of Highway Safety and Motor Vehicles (DHSMV), and drivers licenses. Changes to F.S. 261.03 and F.S. 317.0003 revise the definition of "recreational off-highway vehicle" to cover vehicles up to 64 inches wide and 2,000 pounds in weight. Revised F.S. 316.1951 allows a local government to adopt an ordinance to prohibit vehicles from being illegally parked on the right of way and being offered for sale. The new language also provides conditions for towing and retrieval of such vehicles. Major changes were made to F.S.

319.30 regarding processes concerning “derelict motor vehicles.” The definition of “major component parts” in that section was revised and now includes catalytic converters in the definition. Numerous sections of the bill concerning criminal violations were revised to subject a person to the violation if he or she “knowingly” violated the law. The “knowingly” term replaces a prior standard of having to “willfully and deliberately” commit the act before being considered as having violated the law. Due to the length of this bill and the number of topics it contains, please review it in order to determine all applicable additions and changes. ***Effective Date: July 1, 2010.***

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h063107er.pdf>

House Bill 663 (Ch. 2010-176): Building Safety; Hurricane Loss Mitigation; Mitigation Inspectors; Fraud; Home Inspectors; Mold Assessors; Mold Remediators; Fingerprints; Florida Department of Law Enforcement; Background; Screening; Crimes and Penalties

This 102-page bill deals with a number of issues regarding building safety. Creates new language in F.S. 627.711 that relates to hurricane loss mitigation and mitigation inspectors. Violation of this section is a first-degree misdemeanor. Amends F.S. 468.8313, concerning licensing of home inspectors, that will require state and national criminal history check background screening by submitting fingerprints to the Florida Department of Law Enforcement for state and federal criminal history records checks. Changes to F.S. 468.8413 also establish the same process for licensing as a mold assessor or mold remediator. Amends F.S. 468.8319(1)(f) and (g) by revising the first-degree misdemeanor violations concerning a home inspector performing or offering to perform repairs to a home and for inspecting property in which the inspector or the inspector’s company has a financial interest.

Effective July 1, 2011, amends F.S. 468.8319 by making it a first-degree misdemeanor to practice or offer to practice home inspection services unless the person has complied with all the provisions of Part XV of F.S. Chapter 468. It is also a first-degree misdemeanor to use specified titles relating to home inspection services unless the person has complied with the same provisions of Part XV of F.S. Chapter 468. [NOTE: See Companion House Bill 713 on Page 9 of this Summary.] ***Effective Date: July 1, 2010, except as the bill provides otherwise.***

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h066307er.pdf>

Senate Bill 704 (Ch. 2010-120): Capital Felonies; Sentencing; Crimes and Penalties

Revises F.S. 921.141 to make it an aggravating circumstance for purposes of sentencing a person on a capital felony if the offender was subject to an injunction issued pursuant to F.S. 741.30 or F.S. 784.046, or a foreign protection order accorded full faith and credit pursuant to F.S. 741.315. These are statutes concerned with domestic, repeat, sexual, and dating violence, and the capital felony was committed either against the person who obtained the injunction or protection order or against any spouse, child, sibling, or parent of the person

who made the petition for an injunction or protective order. ***Effective Date: October 1, 2010.***

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s0704er.pdf>

House Bill 713 (Ch. 2010-106): Department of Business and Professional Regulation; Fraud; Home Inspectors; Mold Assessors; Mold Remediators; Fingerprints; Florida Department of Law Enforcement; Temporary Professional Licenses; Background; Screening; Military Members; Spouses; Crimes and Penalties

This 50-page bill covers a number of issues relating to the Department of Business and Professional Regulation and creates programs for licensing of home inspection services and mold-related services within its Division of Professions. Amends F.S. 468.8313, concerning licensing of home inspectors, that will require state and national criminal history check background screening by submitting fingerprints to the Florida Department of Law Enforcement for state and federal criminal history records checks. Changes to F.S. 468.8413 also establish the same process for licensing as a mold assessor or mold remediator. Amends F.S. 468.8319(1)(f) and (g) by revising the first-degree misdemeanor violations concerning a home inspector performing or offering to perform repairs to a home and for inspecting property in which the inspector or the inspector's company has a financial interest. Part of the bill relates to support of the military and amends F.S. 455.02 that will allow the Department of Business and Professional Regulation to authorize temporary professional licensure for members of the military and their spouses. One of the requirements is that a qualifying spouse who is seeking such licensure must submit fingerprints to the Florida Department of Law Enforcement for a state and national criminal history record check as part of the screening process.

Effective July 1, 2011, amends F.S. 468.8319 by making it a first-degree misdemeanor to practice or offer to practice home inspection services unless the person has complied with all the provisions of Part XV of F.S. Chapter 468. It is also a first-degree misdemeanor to use specified titles relating to home inspection services unless the person has complied with the same provisions of Part XV of F.S. Chapter 468. ***Effective July 1, 2011***, amends F.S. 468.8419 by making it a misdemeanor or felony (depending on how often the person has violated the law) to perform or offer to perform any mold assessment without documented training or unless the person has complied with all the provisions of Part XVI of F.S. Chapter 468. [NOTE: See Companion House Bill 663 on Page 8 and Companion House Bill 7129 on Page 25 of this Summary.] ***Effective Date: July 1, 2010, except as the bill provides otherwise.***

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h071304er.pdf>

House Bill 729 (Ch. 2010-220): Tattooing; Department of Health; Minors; Crimes and Penalties

Creates sections in F.S. Chapter 381 relating to tattooing and operation of tattooing establishments under licensure provisions administered by the Department of Health. Establishes second-degree misdemeanor penalties in F.S. 381.00785 for various violations.

Also will transfer and amend second-degree misdemeanor provisions of F.S. 877.04 to new F.S. 381.00787 when the law takes effect. The new language addresses the tattooing of a minor less than 16 years of age. **Effective Date: January 1, 2012.**

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h072902er.pdf>

Senate Bill 742 (Ch. 2010-188): Telecommunications; 911 Public Safety Telecommunicators; Department of Health; Public Safety Agencies; Law Enforcement Agencies; Sheriffs; Firefighters

Amends F.S. 401.465 by renaming “911 emergency dispatchers” as “911 public safety telecommunicators” and expands the functions they perform related to 911 calls. Requires persons employed as “911 public safety telecommunicators” to be certified by the Department of Health (DOH) by October 1, 2012, under specified conditions. If a person was employed as a “911 public safety telecommunicator”, a sworn state-certified law enforcement officer, or a state-certified firefighter before April 1, 2012, he or she must pass an examination administered by DOH. Upon passage of the examination, the completion of the public safety telecommunication program will be waived. Also provides for temporary waiver of the requirements during a declared emergency. **Effective Date: July 1, 2010.**

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s0742er.pdf>

House Bill 765 (Ch. 2010-87): “Ivonne Rodriguez and Victoria McCollough Horse Protection Act”; Animals; Horses; Horsemeat; Slaughterhouses; Restaurants; Stores; Courts; Cows; Distressed Animals; Counties; Municipalities; Dogs; Licenses; Crimes and Penalties

Effective October 1, 2010, amends F.S. 500.451 to make it a crime to knowingly transport, distribute, sell, purchase, or possess horsemeat for human consumption unless such meat is clearly marked and described as horsemeat for human consumption, or horsemeat that is acquired from an unlicensed slaughterhouse. The penalty for violating this section was increased to a third degree felony with a minimum fine of \$3,500 and a minimum mandatory incarceration of one year. Furthermore, if a store, restaurant, or other business owner or employee is convicted of violating this section, the business licenses of these entities may be suspended. **Effective October 1, 2010**, revises F.S. 828.125 that deals with the killing or aggravated abuse of horses or cattle. Any person who willfully and unlawfully kills, maims, mutilates, or causes great bodily harm or permanent breeding disability to any animal of the genus equus (horse) or any registered breed or recognized registered hybrid of the genus bos (cow) commits a felony of the second degree, and shall be sentenced to a minimum mandatory period of one year and a minimum mandatory fine of \$3,500.

Changes to F.S. 828.073, governing procedures when an animal is found in distress, now mandate when a petition seeking relief for a seized animal must be filed with county court. Creates F.S. 828.28 concerning local dog licensing requirements by counties and municipalities and requires the licensing entities to provide notice to dog owners at least 45 days prior to a licensure renewal deadline. Counties and municipalities are also encouraged

to develop online licensing systems. ***Effective Date: July 1, 2010, except as the bill provides otherwise.***

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h076503er.pdf>

Senate Bill 768 (Ch. 2010-189): “Luis Rivera Ortega Street Racing Act”; Street Racing; Racing; Highway Racing; Motor Vehicles; Drivers Licenses; Crimes and Penalties

Amends F.S. 316.191, concerning racing on highways, by increasing the fines for those who are guilty of street racing within 5 years of the date of a prior street racing violation. Any person who commits a third or subsequent street racing violation within 5 years after the date of a prior violation that resulted in a conviction commits a first-degree misdemeanor, must pay a fine of \$2,000 to \$5,000, and will have a drivers license revocation of 4 years. ***Effective Date: October 1, 2010.***

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s0768er.pdf>

House Bill 787 (Ch. 2010-59): “Child Abduction Prevention Act”; Child Abduction Prevention; Parental Abduction; Minors; Courts; Parents; Federal Laws; Civil Penalty; “International Parental Kidnapping Crime Act”; Sheriffs; Law Enforcement Officers; Crimes and Penalties

Changes many sections in F.S. 61.45, relating to court-ordered parenting plans, by giving the court the right to consider additional risk factors when deciding whether or not a child is at risk of parental abduction. It outlines and makes additions to preventative measures that a judge may order if he or she finds credible evidence of an abduction risk. A violation of this section of law may subject the party committing the violation to civil or criminal penalties or a federal or state warrant under federal or state laws, including the International Parental Kidnapping Act, and may subject the violator to apprehension by a law enforcement officer. ***Effective Date: January 1, 2011.***

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h078703er.pdf>

House Bill 795 (Ch. 2010-107): Traffic Enforcement; Motor Vehicles; Payment Plans; Clerk of Courts; Drivers Licenses; Habitual Traffic Offenders; Crimes and Penalties

Revises F.S. 318.14(4)(a)2. to provide that a person cited for a traffic violation is permitted to enter into a payment plan, though the clerk of courts, within thirty days of receiving a citation. Per F.S. 318.15(1), if a person fails to comply with the terms of a payment, his or her drivers license may be suspended. Changes to F.S. 318.14(10) provide an alternative means of addressing a citation for driving while his or her license was suspended, revoked or cancelled. New F.S. 322.331(2) establishes a process by which a person who has been designated as an habitual traffic offender can remove that designation. Creates F.S. 322.34(11) that provides that a person who does not hold a commercial driver license and who is cited for driving with a suspended, revoked or canceled license may provide proof of compliance to the court if the underlying suspension or revocation is non-driving related and

adjudication shall be withheld. Drivers may not make this election more than once during a 12-month period and only three times in a lifetime. ***Effective Date: October 1, 2010.***

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h079502er.pdf>

Senate Bill 808 (Ch. 2010-121): Murder; Homicide; Methadone; Controlled Substances; Crimes and Penalties

Amends F.S. 782.04(1)(a)3 to expand the definition of murder to include the premeditated design to effect the death of any person killed, or any human being, when committed by a person engaged in the perpetration of, or in the attempt to perpetrate, any distribution of methadone. ***Effective Date: October 1, 2010.***

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s0808er.pdf>

Senate Bill 850 (Ch. 2010-206): Florida Industrial and Phosphate Research Institute; Contracts; Repeals; Crimes and Penalties

As part of a substantial rewording of the law in F.S. Chapter 378 concerning research into phosphate mining and land reclamation, repeals F.S. 378.102 that had established first degree misdemeanors for improper acts relating to illegal contract-related actions. ***Effective Date: June 4, 2010.***

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s0850er.pdf>

House Bill 951 (Ch. 2010-62): Public Safety; Firearms; Mental Health Records; Florida Department of Law Enforcement; Applicant Fingerprint Retention and Notification Program; Criminal Justice Standards and Training Commission; Rules; Sheriffs, Law Enforcement Officers; Correctional Probation Officers; Department of Corrections

This bill addresses a number of public safety-related issues. Revises provisions in F.S. 790.065 concerning the process for removing mental health records from the Florida Department of Law Enforcement's mental competency database for purposes of firearms purchases. These revisions align the statutes with federal law requirements making Florida eligible for certain federal grants. Changes to F.S. 943.05 authorize agencies to participate in FDLE's Applicant Fingerprint Retention and Notification Program by submitting a written request for enrollment. Amends F.S. 943.12(16) to clarify that the Criminal Justice Standards and Training Commission has the authority to adopt rules to require demonstration of firearms proficiency for all active state and local law enforcement officers. A change to F.S. 943.131 allows persons exempted from basic recruit training who do not pass within the current one year timeframe to apply for additional time to complete requirements. Amended F.S. 943.17(1)(g) removes a basic abilities test requirement for correctional probation officers as these officers are already required to possess a 4-year degree as a condition of Department of Corrections employment. ***Effective Date: July 1, 2010.***

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h095102er.pdf>

Senate Bill 962 (Ch. 2010-207): Department of Highway Safety and Motor Vehicles; Department of Children and Family Services; Drivers Licenses; Adult Protective Services; Public Assistance Fraud

Revises F.S. 322.142 by allowing the Department of Highway Safety and Motor Vehicles to provide drivers license identification information to the Department of Children and Family Services (DFS) for use in certain adult protective services investigations. The information may also be provided to DFS under an interagency agreement for use of verification of identity to expedite determination of eligibility for public assistance and for use in public assistance fraud investigations. *Effective Date: July 1, 2010.*

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s0962er.pdf>

House Bill 971 (Ch. 2010-223): Motor Vehicles; Department of Highway Safety and Motor Vehicles; Tri-Vehicles; Crash Reports; Law Enforcement Agencies; Sheriffs; County Traffic Operations; High-Occupancy-Vehicle Lanes; Railroad Crossings; Low-Emission Vehicles; Drivers Licenses; Commercial Motor Vehicles; Vehicle Immobilization Agencies; Background Checks; Screening; Criminal History Records; Florida Department of Law Enforcement; Bicycles; Motorcycles; License Plates; GPS Devices; Windshields; Private Investigators; Autoimmune Diseases; Sunscreening; Uniform Traffic Citations; School Crossing Zones; Florida Highway Patrol; Arrests; Ignition Interlock Devices; Driving Under the Influence; Commercial Driving Schools; Counties; Municipalities; Ordinances; Sidewalks; Golf Carts; Mopeds; Motorized Scooters; Motorized Wheelchairs; "Ronshay Dugans Act"; "Drowsy Driving Prevention Week"; Department of Transportation; Crimes and Penalties

This 81-page bill covers numerous topics concerning motor vehicles and the Department of Highway Safety and Motor Vehicles (DHSMV). Creates a definition of "tri-vehicle" in F.S. 316.003(86) and F.S. 322.01(46) and establishes various sections of law concerning the newly-defined class of vehicles. Revised F.S. 316.066(5)(b) allows crash reports to be released to law enforcement agencies and county traffic operations sections without having to wait for 60 days. Amends F.S. 316.0741(1)(b), the high-occupancy vehicle lane law, by classifying a "tri-vehicle" as an "inherently low-emission vehicle." Changes to F.S. 316.159 require that commercial motor vehicles, when not otherwise required to stop, slow before crossing railroad tracks. Revises parts of F.S. 316.193(13), regarding vehicle immobilization agencies, that will create minimum requirements for specified employees that include a state criminal history check through the Florida Department of Law Enforcement. Violation of the new requirements is a first-degree misdemeanor. Amends F.S. 316.2065(5)(a) to require bicycle riders to remain in a lane marked for bicycle use and if such a lane is not provided, riders must stay as close as practicable to the right-hand curb or edge of the roadway except as otherwise provided in the law. Changes to F.S. 316.2085(3) address the display of license plates on motorcycles, including when they may be displayed vertically instead of horizontally. Per new F.S. 316.2952(2)(d), governing windshields, a GPS device may be attached to the windshield without violating law as long as it does not hinder the driver's line of sight. Creates new language in F.S. 316.29545 that will exempt vehicles that are owned or leased by private investigators or private investigative agencies, as well as people with

certain autoimmune diseases, from the window suncreening provisions. Per revised F.S. 316.646(3), DHSMV may suspend a drivers license after receiving notice that the driver has failed to maintain insurance.

The law also amends F.S. 318.14, regarding noncriminal traffic infractions, by revising the requirements and procedures involving the signing of a uniform traffic citation. Revised F.S. 318.18(3)(c) creates a minimum \$50 fine for speeding in a designated school crossing zone. Amends F.S. 321.03, concerning imitation of Florida Highway Patrol (FHP) vehicles, uniforms, and emblems, to permit FHP to specifically authorize use of color schemes, etc., that are otherwise prohibited by this section of law. Violation of the law is a first-degree misdemeanor. Revised F.S. 321.05(1) clarifies that FHP patrol officers are subject to and have the same arrest powers and other authority provided to law enforcement officers generally in F.S. Chapter 901 [Arrests] and that they also have statewide jurisdiction. The officers furthermore have arrest authority as provided for law enforcement officers in F.S. 901.15. Creates F.S. 322.2715(3)(e) to require a person approved for a restricted license, and who has been convicted of a fourth or subsequent offense for driving under the influence, to install an ignition interlock device for a period of not less than 5 years. Changes to F.S. 322.34 and F.S. 322.61 address issues involving violations of law by drivers of commercial vehicles. Amends F.S. 488.06 to allow DHSMV to revoke or suspend the licenses of commercial driving schools for specified violations. Fingerprints must be submitted to FDLE for a check of the criminal history records of instructors, agents, or employees of such schools. Creates provisions in F.S. 316.008 to allow counties and municipalities to enact ordinances to permit, control, or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, and electric personal assistive mobility devices on sidewalks when such use is also allowed under federal law. The permissible speed of such vehicles must be 15 miles per hour or less. Revised F.S. 316.212 applies to local governmental entities and their right to control operation of golf carts on certain roadways. Amends F.S. 316.1995 by exempting motorized wheelchairs from the infraction of driving upon sidewalks or bicycle paths. The bill also creates the "Ronshay Dugans Act" that establishes the first week of September as "Drowsy Driving Prevention Week." During that week DHSMV and the Department of Transportation are encouraged to educate the public and the law enforcement community about the relationship between fatigue and performance and the research showing fatigue to be as much of an impairment as alcohol and as dangerous while operating a motor vehicle. Due to the length of this bill and the number of topics it contains, please review it in order to determine all applicable additions and changes. [Note: See Companion House Bill 5501 on Page 22 of this Summary.]

Effective Date: September 1, 2010, except as the bill provides otherwise.

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h097105er.pdf>

Senate Bill 982 (Ch. 2010-100): Underground Facilities Damage; Municipalities; Counties; Districts; Local Governments; Ordinances; Rules; Crimes and Penalties

As part of a 26-page bill relating to underground facility damage prevention and safety, adds language to F.S. 556.101 specifying that municipalities, counties, districts, and local governments may not adopt or enforce ordinances or rules that conflict with F.S. Chapter 556 or prescribes other newly-specified provisions in this section. Also amends the first-

degree misdemeanor penalty provisions in F.S. 556.107 to reflect the renumbering in F.S. 556.105(5). ***Effective Date: October 1, 2010.***

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s0982er.pdf>

House Bill 985 (Ch. 2010-63): Peddling; Camp Meetings; Repeals; Crimes and Penalties

Repeals F.S. 871.03, the second-degree misdemeanor for peddling at camp meetings. ***Effective Date: July 1, 2010.***

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h098501er.pdf>

House Bill 1005 (Ch. 2010-64): Department of Corrections; Lewd/Lascivious Exhibition; Private Correctional Facilities; Sexual Misconduct; Inmate Release; Sheriffs; Law Enforcement Agencies; Inmates; Probation; Sentencing; Courts; Firearms; Weapons; Crimes and Penalties

This 28-page bill addresses a number of issues concerning corrections. New F.S. 800.09 makes it a third-degree felony for a person detained in a defined state or private correctional institution to commit intentional lewd or lascivious acts in the presence of a person he or she knows or reasonably should have known is an employee. Amends F.S. 944.35(3)(b) to prohibit sexual misconduct by an employee of a private correctional facility with an inmate or offender in that facility. Violation is a third-degree felony. A change to F.S. 944.605(3) allows the Department of Corrections (DOC) to electronically submit specified inmate release information to the appropriate sheriff or police chief of the jurisdiction in which the offender plans to reside after his or her release. Creates F.S. 946.42 to allow the DOC to use inmates on private property for specified purposes if such inmates meet the criteria provided in F.S. 946.40. Creates language in F.S. 948.03(1)(e) that specifies that conditions of probation may include a requirement that the probationer live without violating any law and that a conviction in a court of law is not necessary for such violation of law to constitute a violation of probation, community control, or any other form of court-ordered supervision. Revised language in F.S. 948.03(1)(m) also clarifies that a probation order can include a prohibition against possessing, carrying, or owning any firearm (with or without consent of the correctional probation officer) and that he or she can only have a weapon with the consent of such officer. ***Effective Date: July 1, 2010.***

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h100504er.pdf>

Senate Bill 1050 (Ch. 2010-191): Ephedrine; Methamphetamines; Controlled Substances; Florida Department of Law Enforcement; Electronic Recordkeeping System; Pharmacies; Retailers; Civil Actions; Crimes and Penalties

The bill relates to the sale of ephedrine and related compounds used in the manufacture of methamphetamine. Revises the law concerning retail sale of ephedrine and related compounds in F.S. 893.1495 to limit access to such items. It restricts the quantity of ephedrine or related compounds that may be purchased during specific time periods. The Florida Department of Law Enforcement is required to approve an electronic recordkeeping

system (electronic logbook) that will be used to monitor real-time purchase of products containing ephedrine or related compounds to help prevent or investigate illegal purchases. The system must be provided to retailers and pharmacies without additional cost or expense to those entities. There are listed exemptions for certain entities from the reporting requirements. The bill restricts the use of information collected by a retailer or entity to law enforcement purposes or to facilitate a product recall. It also provides immunity from civil liability to individuals who release information as specified in the law. The monitoring system must be implemented by January 1, 2011. **Effective Date: July 1, 2010.**

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s1050er.pdf>

Senate Bill 1058 (Ch. 2010-192): Schools; State Attorneys; School Superintendents; Principals; Minors; Students; Agencies; Sheriffs; Law Enforcement Agencies; Department of Juvenile Justice; Interagency Agreements; Information Sharing

Revises F.S. 985.04(4)(b) by requiring that school superintendents who receive information from state attorneys about felony charges against a student must provide that information to the director of transportation for the school district, as well as to the school principal. The principal must also provide the information to the child's bus driver and any other school personnel whose duties include direct supervision of the child. The superintendent is also responsible to inform other school personnel whose duties include direct supervision of the child of the disposition of charges against the child. Creates F.S. 1002.221(2)(b) that, in accordance with specified federal law and regulations, to allow defined agencies or schools to release a student's education records, without written consent of the student or parent, to parties to an interagency agreement among the Department of Juvenile Justice, the school, law enforcement authorities, and other signatories. The purpose of the agreement and information sharing is to reduce juvenile crime, particularly motor vehicle theft. The information provided under such an agreement is inadmissible in court before a dispositional hearing unless written consent has been provided by a parent or other responsible adult on behalf of the juvenile. **Effective Date: July 1, 2010.**

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s1058er.pdf>

House Bill 1193 (Ch. 2010-179): "Adam Pierce Act"; Retirement; Disability Benefits; Special Risk Class Members; Law Enforcement Officers; Firefighters; Correctional Officers; Correctional Probation Officers; Sheriffs; Employers and Employees

This bill changes the nature of disability benefits under the Florida Retirement System for members of the Special Risk Class who are employed in law enforcement, firefighting, and criminal detention positions. Changes to F.S. 121.0515 permits someone in a previously specified special risk position who suffers a disability in the line of duty to maintain his or her status in the Special Risk Class provided the disability is a qualifying injury that prevents the member from being able to perform the duties of the former Special Risk Class position. The member must be employed by the same employer. It is recommended that this bill be reviewed in order to determine eligibility under the law. **Effective Date: June 1, 2010.**

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h119302er.pdf>

House Bill 1271 (Ch. 2010-225): Transportation; Camping; Right-of-Way; Airports; Aircraft; Derelict Aircraft; Abandoned Aircraft; Crimes and Penalties

This 96-page bill concerns a number of transportation-related topics. New F.S. 337.406(4) creates a second-degree misdemeanor for camping on any portion of the right-of-way of the State Highway System that is within 100 feet of a bridge, causeway, overpass, or ramp. It also creates a number of provisions in F.S. Chapter 705 that addresses the disposition of derelict aircraft and abandoned aircraft. *Effective Date: July 1, 2010.*

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h127106er.pdf>

House Bill 1291 (Ch. 2010-36): Governor's Task Force on Domestic Violence; Domestic Violence Fatality Review Teams; Records Use

This bill deletes the requirement in F.S. 741.316 for the Governor's Task Force on Domestic Violence to provide information and technical assistance to local domestic violence fatality review teams. It also adds language that information and records acquired by such teams are not subject to discovery and cannot be used in criminal or administrative proceedings. Currently the information cannot be used in civil or disciplinary proceedings. *Effective Date: July 1, 2010.*

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h129102er.pdf>

House Bill 1301 (Ch. 2010-112): Counties; Ordinances; Employers and Employees; Ethics; Code of Ethics; Crimes and Penalties

Revises F.S. 125.69(1), concerning violations of county ordinances, to permit a county to specify, by ordinance, that a violation of any provision of a county ordinance imposing stricter standards of conduct and disclosure requirements as provided in F.S. 112.326 is punishable by a fine of up to \$1,000, or a term of up to one year in the county jail. *Effective Date: July 1, 2010.*

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h130101er.pdf>

Senate Bill 1306 (Ch. 2010-209): Public Assistance; Fraud; Food Stamps; Food Assistance Program; Personal Identification Information; Crimes and Penalties

As part of a 47-page bill covering a number of topics related to public assistance, amends a number of sections of law by changing references of "food stamps" to "food assistance program." Included in the changes are revisions to F.S. 414.39, concerning "fraud" and to F.S. 817.568 relating to "criminal use of personal identification information." *Effective Date: July 1, 2010.*

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s1306er.pdf>

House Bill 1411 (Ch. 2010-134): Foreclosures; Trustees; Assessment Liens; Mortgage Liens; Crimes and Penalties

As part of this 48-page bill concerning a number of issues relating to foreclosures, creates F.S. 721.855, making it a third-degree felony to violate the procedure governing trustee foreclosure of assessment liens. New F.S. 721.856 makes it a third-degree felony to violate the procedure governing trustee foreclosure of mortgage liens. *Effective Date: May 27, 2010.*

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h141106er.pdf>

Senate Bill 1412 (Ch. 2010-102): Obsolete Programs; Outdated Reports; Agencies

This 150-page bill covers a number of areas of law relating to obsolete or outdated agency plans, reports, and programs and the introductory subject portion of the bill encompasses 16 pages. One change, for example, is deletion of language in F.S. 943.125 concerning law enforcement agency accreditation that deletes the requirement for a feasibility study as the program has already been established. Due to the length of this bill and the number of topics it contains, please review it in order to determine all applicable additions and changes. *Effective Date: May 26, 2010.*

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s1412er.pdf>

House Bill 1455 (Ch. 2010-181): Military Members; Misrepresentation; Military Status; Solicitation; Charities; Sales Promotions; Armed Forces; National Guard; Uniforms; Medals; Insignia; Crimes and Penalties

Amends the felony violations in F.S. 496.415, concerning planning, conducting, or executing a solicitation or charitable or sponsor sales promotion by adding language that makes it a crime for a person to falsely state that he or she is a member of or represents the United States Air Force, Army, Coast Guard, Marine Corps, Navy, or the National Guard. Also creates F.S. 817.312 that makes it a third-degree felony for a person to misrepresent himself or herself as a member or veteran of one of the above-listed military entities and to wear the uniform of or any medal or insignia authorized by such military entity while the person is soliciting for charitable contributions. *Effective Date: October 1, 2010.*

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h145502er.pdf>

Senate Bill 1484 (Ch. 2010-144): Public Assistance Fraud; Medicaid; Managed Care Plans; "Medicaid and Public Assistance Fraud Strike Force"; Chief Financial Officer; Attorney General; Sheriffs; Police Chiefs; Law Enforcement Agencies; State Attorneys; Medicaid Fraud Control; Florida Department of Law Enforcement; Department of Financial Services

This 30-page bill addresses a number of issues relating to Medicaid and fraud-related issues. Creates the Medicaid and Public Assistance Fraud Strike Force (Strike Force) within the Department of Financial Services per new sections of F.S. Chapter 624. The Strike Force

must develop a statewide strategy and coordinate state and local efforts and resources to prevent, investigate and prosecute Medicaid and public assistance fraud. Membership includes the Chief Financial Officer, the Attorney General; the Commissioner of FDLE, two sheriffs, two police chiefs, one State Attorney, and representatives from other state agencies. Also transfers the Public Assistance Fraud unit within FDLE to the Division of Public Assistance Fraud in the Department of Financial Services and revises other sections of law in F.S. Chapter 414 to reflect said transfer. **Effective May 28, 2010**, new F.S. 409.91212, entitled Medicaid managed care fraud, requires each managed care plan to adopt an anti-fraud plan addressing the detection and prevention of overpayments, abuse, and fraud. Failure to make a timely report as required may result in administrative, civil, or criminal penalties per F.S. 409.91212(6)(b). **Effective Date: January 1, 2011, except as the bill provides otherwise.**

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s1484er.pdf>

House Bill 1493 (Ch. 2010-69): Career Offenders; Sheriffs; Law Enforcement Agencies; Crimes and Penalties

Creates F.S. 775.261(10), making it a first-degree misdemeanor for a person who believes a career offender is not complying, or has not complied, with the requirements of this section, and who seeks to aid the career offender in eluding law enforcement, and by so doing withholds information from or fails to notify law enforcement of the career offender's noncompliance or does not inform law enforcement of the whereabouts of the career offender. It is also a violation to harbor or attempt to harbor or assist another in harboring or attempting to harbor the career offender; to conceal or attempt to conceal or assist another in concealing or attempting to conceal the career offender; or, to provide information to law enforcement concerning the career offender that the person knows to be false. **Effective Date: July 1, 2010.**

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h149302er.pdf>

Senate Bill 1752 (Ch. 2010-147): Economic Development; Tax Credits; Confidentiality; Office of Film and Entertainment; Office of Tourism, Trade, and Economic Development; Jobs for the Unemployed Tax Credit Program; Crimes and Penalties

This 162-page bill concerning a number of issues relating to economic development. **Effective July 1, 2010**, creates a first-degree misdemeanor in F.S. 213.053(8) for illegal release of confidential information relating to tax credits taken under F.S. 288.1254 to the Office of Film and Entertainment and the Office of Tourism, Trade, and Economic Development. **Effective July 1, 2010**, new F.S. 220.1896 creates a Jobs for the Unemployed Tax Credit Program. Included in this new section is a second-degree misdemeanor for a person who fraudulently claims a credit under this program. **Effective Date: May 28, 2010, except as the bill provides otherwise.**

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s1752er.pdf>

Senate Bill 2060 (Ch. 2010-26): Sovereign Immunity; Civil Actions; Torts; Lawsuits; Agencies; Counties; Municipalities; Courts

Revises the language in F.S. 768.28(5) governing sovereign immunity as it relates to tort actions against the state, its agencies, and the cities and counties of Florida. The bill raises from \$100,000 to \$200,000 the amount that such entities may pay as tort damages to an individual relating to a particular incident or occurrence. It also raises from \$200,000 to \$300,000 the amount that may be paid to all parties for tort damages arising out of the same incident or occurrence. The revised figures apply to claims that arise on or after the effective date of the law. ***Effective Date: October 1, 2011.***

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s2060er.pdf>

Senate Bill 2126 (Ch. 2010-24): Florida Tax Credit Scholarship Program; Department of Revenue; Confidentiality; Department of Alcoholic Beverages and Tobacco; Crimes and Penalties

As part of this 51-page bill regarding the Florida Tax Credit Scholarship Program, amends language in F.S. 213.053 concerning confidentiality and information sharing by the Department of Revenue of information relative to cited sections of law by permitting sharing with the Department of Alcoholic Beverages and Tobacco. Breach of confidentiality is a first-degree misdemeanor. ***Effective Date: July 1, 2010, except as the bill provides otherwise.***

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s2126er.pdf>

Senate Bill 2176 (Ch. 2010-175): Insurance; Sheriffs; Workers' Compensation; Law Enforcement Officers; Correctional Officers; Correctional Probation Officers; Disability; Licenses; Motor Vehicle Service Agreements; Advertising; Home Warranty Associations; Service Warranty Associations; "Safeguard Our Seniors Act"; Crimes and Penalties

This 65-page bill, entitled the "Safeguard Our Seniors Act", addresses a number of issues relating to insurance and related topics. Amends provisions in F.S. 30.2905, regarding off-duty sheriff's deputies, to allow a sheriff to include the sheriff's proportional costs for workers' compensation premiums for the off-duty deputies providing such services. Revises F.S. 112.18, concerning special provisions relative to disability of law enforcement officers, correctional officers, and firefighters by adding correctional probation officers to the category of personnel to whom this section of law applies. Also revises provisions in that same section concerning a presumption of disability for workers' compensation claims filed under this section of law or under F.S. Chapter 440 occurring on or after July 1, 2010. It specifies circumstances under which there will not be a presumption of disability for defined officers suffering from tuberculosis, heart disease, or hypertension.

Effective June 1, 2010, revises the definition of "motor vehicle service agreement" in F.S. 634.011(8) and on the same date creates a first-degree misdemeanor in F.S. 634.031(7) regarding licenses for motor vehicle service agreement companies. ***Effective June 1, 2010,*** adds a new second-degree misdemeanor in F.S. 634.095(3) relating to false, misleading, or deceptive advertising by motor vehicle service agreement companies.

Effective June 1, 2010, creates a first-degree misdemeanor in F.S. 634.303(4) related to licenses for home warranty associations. ***Effective June 1, 2010***, creates a first-degree misdemeanor in F.S. 634.403(5) related to licenses for service warranty associations. Due to the length of this bill and the number of topics it contains, please review it in order to determine all applicable additions and changes. ***Effective Date: January 1, 2011, except as the bill provides otherwise.***

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s2176er.pdf>

Senate Bill 2272 & Senate Bill 2722 (Ch. 2010-211): Controlled Substances; Pain-Management Clinics; Medical Physicians; Osteopathic Physicians; Practitioners; Prescriptions; Department of Health; Prescription Drug Monitoring Program; Sheriffs; Law Enforcement Agencies; Crimes and Penalties

This 35-page bill concerns controlled substances and also modifies and enhances regulation of pain-management clinics in Florida in F.S. Chapter 458 (Medical Physicians) and F.S. Chapter 459 (Osteopathic Physicians). It requires privately owned pain-management clinics to register with the Department of Health (DOH). As part of the registration process, a designated physician must be identified. Knowingly operating, owning, or managing a non-registered pain-management clinic that is required to be registered with DOH is a third-degree felony per F.S. 458.327(1)(e) or F.S. 459.013(1)(e). It is also a first-degree misdemeanor to knowingly prescribe or dispense, or cause to be prescribed or dispensed, controlled substances in a non-registered pain-management clinic that is required to be registered with DOH per F.S. 458.327(2)(f) or F.S. 459.013(2)(f). Only a medical physician or osteopathic physician may dispense any medication, including a controlled substance, on the premises of a pain-management clinic. New language in F.S. 465.0276 prohibits a practitioner, with listed exceptions, from dispensing more than a 72-hour supply of controlled substances in Schedules II – V for any patient who pays by cash, check, or credit card in a registered pain-management clinic; violation is a third-degree felony. There are also separate administrative penalties that DOH can issue against practitioners who violate new provisions of this law. Additionally, it revises F.S. 893.055, concerning the Prescription Drug Monitoring Program, to permit a newly-defined DOH “program manager”, after determining a pattern consistent with violation of specified part of F.S. 893.17 to provide relevant information to the applicable law enforcement agency. ***Effective Date: October 1, 2010.***

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s2272er.pdf>

House Bill 5401 (Ch. 2010-162): Judicial System; Clerks of Court; Courts; Criminal Conflict Counsel; Civil Regional Counsel; Indigent Defendants; Sentencing; Florida Department of Law Enforcement; Criminal and Juvenile Justice Information Systems Council; Uniform Statute Table; Guardians ad Litem; Background Checks; Screening; Public Records; Court Records; Confidentiality; Vehicle Registration; License Plates; Drivers Licenses; Commercial Vehicles; Crimes and Penalties

The 55-page bill addresses a number of topics relating to the state judicial system and revises various sections of law that affect criminal and civil justice entities, including changes concerning clerks of court as well as criminal conflict and civil regional counsel, and indigent

status defendants. Creates F.S. 943.03(15) that requires the Florida Department of Law Enforcement and the Criminal and Juvenile Justice Information Systems Council to modify the statewide uniform statute table used by local law enforcement and state attorney offices in charging persons accused of committing crimes. FDLE must adopt rules establishing the technical and business process standards necessary for implementation of the statute table and the required system modifications and adopted rules must be implemented by December 31, 2012. Changes to F.S. 39.821(1) also require all guardian ad litem applicants certified on or after July 1, 2010, to undergo state and national criminal history checks and it allows the guardian ad litem to pay a reduced fee of \$8 for the state check. Amends F.S. 119.0714(2) by delaying from January 1, 2011 to January 1, 2012, the date for which specified information in court records must be kept confidential and exempt from public records release.

Effective October 1, 2010, changes the penalties for the following violations from misdemeanors to moving violation infractions: F.S. 320.061 [altering motor vehicle registration or decal]; F.S. 320.131(3) [unlawful issue or use of temporary tag]; F.S. 322.03(1)(a) [failure of commercial vehicle driver to surrender out-of-state drivers license]; and F.S. 322.03(5) [driving on highway with license expired for more than 6 months]. Also changes the penalties in F.S. 322.16(6) for operating a vehicle in violation of restrictions in F.S. 322.16(1)(a) or (b)]. ***Effective Date: July 1, 2010, except as the bill provides otherwise.***

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h540104er.pdf>

House Bill 5501 (Ch. 2010-163): Department of Highway Safety and Motor Vehicles; Motor Vehicles; Traffic Infraction Detectors; Cameras; Red Lights; Law Enforcement Agencies; Sheriffs; Counties; Municipalities; Crash Reports

This 29-page bill concerns the Department of Highway Safety and Motor Vehicles (DHSMV) and various motor vehicle and traffic-related issues. New F.S. 316.008(7) grants counties and municipalities the authority to use traffic infraction detectors to enforce red light running violations. Revised F.S. 316.066, concerning written reports of traffic crashes, requires sheriff's offices and local law enforcement agencies to maintain copies of "short-form" crash reports completed by their personnel instead of sending copies to DHSMV. New F.S. 316.066(1)(d) requires a driver of a vehicle that was in any manner involved in a crash resulting in damage of \$500 or more to another vehicle or property, which crash was not investigated by a law enforcement agency, to submit a written report of the crash to DHSMV or a traffic records center within 10 days of the crash. [NOTE: See Companion House Bill 325 on Page 5 of this Summary.] ***Effective Date: July 1, 2010.***

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h550102er.pdf>

House Bill 5801 (Ch. 2010-166): Taxation; Department of Revenue; Amnesty Program; Confidentiality; Public Lodging Establishments; Public Food Service Establishments; Tax Warrants; Lien Notices; Crimes and Penalties

This 31-page bill deals with issues involving taxation and the Department of Revenue. It requires that the Department of Revenue (DOR) develop and implement an amnesty

program no later than July 1, 2010 for taxpayers subject to state and local taxes imposed by various chapters of Florida law. Under the law DOR may not initiate a criminal investigation or refer for prosecution any taxpayer who is participating in the program with respect to the failure to timely pay the tax disclosed in the program. **Effective July 1, 2010**, amends F.S. 213.053(8)(b) by extending the first-degree misdemeanor violation for improperly releasing confidential information to apply to improper release of information relating to a public lodging establishment or a public food service establishment having an outstanding tax warrant, notice of lien, or lien judgment certificate. **Effective Date: May 28, 2009, except as the bill provides otherwise.**

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h580104er.pdf>

House Bill 7017 (Ch. 2010-169): Credit History Information; Office of Financial Regulation; Department of Financial Services; Law Enforcement Agencies; Sheriffs; Administrative Agencies; Public Records; Confidentiality

Revises parts of F.S. 494.00125 concerning public records exemptions for credit history information and credit scores held by the Office of Financial Regulation (office) of the Division of Financial Services as part of their investigation or examination process. Provides that the law does not prohibit the office from providing confidential and exempt information to any law enforcement or administrative agency. If such agencies receive information from the office, they must maintain the confidentiality if it would otherwise be confidential. **Effective Date: July 1, 2010.**

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h701702er.pdf>

House Bill 7035 (Ch. 2010-113): Attorney General; Sheriffs; Repeals; Controlled Substances; Probation; Crimes and Penalties

This 16-page bill relates to a number of criminal justice issues. Repeals F.S. 16.07, originally enacted in 1845, which made it a misdemeanor for the Attorney General to receive a fee to defend an alleged offender in court. Also repeals F.S. 30.11, an 1851 law that required the sheriff or his or her deputy to reside within 2 miles of the county seat. Repeals F.S. 893.13(10) and (11) relating to serving probation for specified controlled substance violations. The provisions of F.S. 893.13(12) are now F.S. 893.13(10). **Effective Date: July 1, 2010.**

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h703501er.pdf>

House Bill 7037 (Ch. 2010-70): Education; Records; Vocational Rehabilitation Programs; Schools; Confidentiality; Crimes and Penalties

This 51-page bill addresses a number of issues concerning education and vocational rehabilitation programs. Amends F.S. 413.341 by adding language that makes the section refer to "applicant" and "eligible individual" records. It is a second-degree misdemeanor for a person to disclose or release information in violation of this section of law. **Effective Date: July 1, 2010.**

House Bill 7069 (Ch. 2010-114): Background Checks; Screening; Fingerprints; Criminal History Records; Vulnerable Persons; Guardians ad Litem; Volunteers; Health Care Professions; Home Medical Equipment Providers; Florida Department of Law Enforcement; Repeals; Crimes and Penalties

This 89-page bill substantially revises background screening of persons and businesses that deal primarily with vulnerable populations and impacts numerous chapters of the Florida Statutes. It provides that no person required to be screened may begin work until the screening has been completed. Changes include an increase of all listed Level 1 screening to a Level 2 screening that mandates a fingerprint search to determine if the person has a state and/or national criminal history record. Per changes to F.S. 435.04(1), all fingerprints must be submitted to the Florida Department of Law Enforcement electronically by July 1, 2012 or sooner. Adds language that requires listed personnel who deal substantially with vulnerable persons and who are not currently being screened must begin Level 2 screening. Revisions to F.S. 435.04 add additional serious crimes to the list of disqualifying offenses for numerous professions. Changes to F.S. 435.05 require employees subject to screening to attest, subject to penalty of perjury, that they meet the qualifications pursuant to F.S. Chapter 435 and agree to inform their employers immediately if they are arrested for any disqualifying offense while employed by the employer. Per F.S. 435.06, if an employer becomes aware that an employee has been arrested for a disqualifying offense, the employer must remove the employee from contact with any vulnerable person that places the employee in a role that requires background screening until the arrest is resolved in a way that the employer determines that the employee is still eligible for employment under F.S. Chapter 435. Amended F.S. 435.07 provides that an exemption for a disqualifying felony may not be granted until three years after completion of all sentencing sanctions and that only the head of the appropriate agency may provide an exemption from disqualification. New language in F.S. 943.05 allows agencies to request that FDLE to retain fingerprints subject to rulemaking and implementation plans for the retention of the fingerprints. Deletes the misdemeanor and felony violations in F.S. 400.953 relating to background screening for home medical equipment provider personnel. Due to the very large number of categories of occupations affected by this bill it is recommended that it be closely reviewed in order to determine eligibility under the law. ***Effective Date: August 1, 2010.***

House Bill 7079 (Ch. 2010-115): Voters; Voter Registration; Public Records; Confidentiality; Attorney General; Address Confidentiality Program; Agencies; Stalking; Aggravated Stalking; Victims

Creates F.S. 97.0585(3), relating to public records exemptions and confidentiality regarding voters and voter registration information. Under the new language, the names, addresses, and telephone numbers of persons who are victims of stalking and aggravated stalking are exempt from public records release in the same manner that the names, addresses, and telephone numbers of participants in the Address Confidentiality Program for Victims of Domestic Violence which are held by the Attorney General under F.S. 741.465 are exempt from disclosure, provided that the victim files a sworn statement of stalking with the Office of the Attorney General and otherwise complies with procedures in F.S.S. 741.401 through

741.409. The law applies to information held by an agency before, on, or after the effective date of the law. **Effective Date: May 26, 2010.**

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h707902er.pdf>

House Bill 7113 (Ch. 2010-40): Child Abuse Death Review Committees; Local Committees; Public Records; Public Meetings; Recordings

Creates a definition of “local committee” in F.S. 383.412 as such relates to child abuse death review committees. The bill continues the exemptions from public records release and continues public meetings confidentiality for information held or received or discussed at a meeting by the State Child Abuse Death Review Committee and “local committees.” It also creates a requirement that the closed portion of a meeting must be recorded and that no portion of a closed meeting may be “off the record.” The recording must be maintained by the State Child Abuse Death Review Committee or by a local committee. However, the recording of the closed portion of a meeting is exempt from public records release. This section of law will be repealed on October 2, 2015 unless the Legislature passes a law prior to that date that will negate the repeal. **Effective Date: October 1, 2010.**

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h711301er.pdf>

House Bill 7129 (Ch. 2010-182): Military Members; Spouses; Fingerprints; Background Checks; Screening; Temporary Professional Licenses; Department of Business and Professional Regulation; Florida Department of Law Enforcement

As part of this bill regarding topics relating to support of the military, amends F.S. 455.02 that will allow the Department of Business and Professional Regulation to authorize temporary professional licensure for members of the military and their spouses. One of the requirements is that a qualifying spouse who is seeking such licensure must submit fingerprints to the Florida Department of Law Enforcement for a state and national criminal history record check as part of the screening process. [NOTE: See Companion House Bill 713 on Page 9 of this Summary.] **Effective Date: July 1, 2010.**

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h712903er.pdf>

House Bill 7131 (Ch. 2010-117): Law Enforcement Agencies; Sheriffs; Counterfeit Coins; Forgery; Bills; Currency; Doctor's Certificates of Examination; Forfeiture; Florida Department of Law Enforcement; Search Warrants; Child Abuse; Interception of Communications; Wiretaps; Public Utilities; Administrative Expunction; Criminal History Records; Crimes and Penalties

This 49-page bill addresses a number of criminal justice-related issues, including making a number of corrections to references in various statutes and repeals some language to reflect changes in nomenclature. Clarifies felony violations for counterfeit coin-related offenses in F.S. 831.16 and F.S. 831.17 and also clarifies forgery offenses related to bills in F.S. 831.18 and a doctor's certificate of examination in F.S. 831.21. Deletes language in F.S. 932.704(11)(a) that required the head of a state or local law enforcement agency that files civil forfeiture actions to file a signed certificate with the Florida Department of Law

Enforcement verifying that the agency's policies and procedures were in compliance with adopted forfeiture guidelines. Revises language in F.S. 933.18(7), concerning search warrants, by removing the word "misdemeanor" from the subsection regarding warrants for child abuse offenses. Amends language in F.S. 934.03(2)(g), concerning interception of communications, that provides a new definition for a "public utility." Revises F.S. 943.0581(6) to clarify provisions of this law relating to administrative expunction of a criminal history record. ***Effective Date: July 1, 2010.***

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h713101er.pdf>

House Bill 7157 (Ch. 2010-138): Taxation; Department of Revenue; Confidentiality; Crimes and Penalties

This 61-page bill addresses a number of issues concerning taxation and the Department of Revenue. ***Effective July 1, 2010***, revises F.S. 213.053, concerning confidentiality and information sharing, by expanding the tools that the Department of Revenue may use to conduct its business, including how it may notify taxpayers of tax due dates, etc. Breach of confidentiality in the release of information continues to be a first-degree misdemeanor. ***Effective Date: May 27, 2010, except as the bill provides otherwise.***

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h715703er.pdf>

House Bill 7237 (Ch. 2010-78): Schools; Postsecondary Education; Construction; Contractors; Contracts; Board of Governors; Crimes and Penalties

As part of this 64-page bill regarding postsecondary education, clarifies language in F.S. 1013.47 that makes it a second-degree misdemeanor for a person, firm, or corporation to construct any part of an educational plant, or addition thereto, on the basis of unapproved plans, including plans that do not meet the regulations of the Board of Governors relating to building standards or specifications. ***Effective Date: July 1, 2010.***

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h723702er.pdf>

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