

**2003 LEGISLATIVE SUMMARY
LAWS OF INTEREST TO FLORIDA LAW ENFORCEMENT**

As a convenience to the law enforcement community, we have posted summaries of bills that have been passed by the legislature. There are bills in this Summary for which final action has not yet been taken. Please check back and review future online versions, as they will be updated periodically.

This Legal Bulletin contains brief summaries of most laws passed by the 2003 Florida Legislature during the Regular Session and Special Session "A" that are of interest to the Florida law enforcement community. As this document contains only summaries, if you have particular areas of interest, you should read the entire content of each law that is available through the hyperlink addresses as is further explained below. In addition to the summaries of the laws, you will find an index at the end of this document to help you locate laws by subject, tables to help you cross-reference bill numbers to their chapter law numbers, and indications of the laws' effective dates. *Due to differences in printers and screen settings, the index is only accurate when the Summary is printed in hard copy.*

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

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

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

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

Department of State

Bureau of Administrative Code

107 West Gaines Street, The Collins Building

Tallahassee, FL 32399-0250

(850) 245-6270 {SunCom 205-6270}

House Documents Office

Room 317, The Capitol

Tallahassee, FL 32399-1300

(850) 488-7097 {SunCom 278-7097}

Senate Documents Office

Room 304, The Capitol

Tallahassee, FL 32399-1100

(850) 487-5285 {SunCom 277-5285}

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FLORIDA DEPARTMENT OF LAW ENFORCEMENT
OFFICE OF GENERAL COUNSEL



2003 LEGISLATIVE SUMMARY
AND
2003 SPECIAL SESSION "A" BILLS

Senate Bill 52 (Ch. 2003-xxx): Department of Highway Safety and Motor Vehicles; Elderly Persons; Drivers' License; Vision Tests

This bill creates duties for the Department of Highway Safety and Motor Vehicles to study the effects of aging on driving ability on its year 2003 effective date. **Effective January 1, 2004**, amends F.S. 322.18 by establishing a vision test requirement for a person over 79 years of age with a driver's license who is otherwise eligible for a renewal license. In order to obtain a renewed license the person must either: (1) submit to and pass a vision test administered at any driver's license office; or (2) if applying for an extension by mail, submit to and pass a vision test administered by a licensed physician or optometrist who must send the test results to DHSMV. The bill prohibits a licensee who is over 79 years of age from submitting an application for extension by electronic or telephonic means unless the results of a vision test have been electronically submitted in advance to DHSMV by the person's physician or optometrist. **Effective Date: Upon Becoming Law except as the bill provides otherwise.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s0052er.pdf>

House Bill 75 (Ch. 2003-xxx): Motor Vehicles; Firefighters; Medical Staff; Emergency Warning Signals; Traffic Control; Crimes and Penalties

Revises F.S. 316.2398 that provides the use of warning lights by volunteer firefighters and medical staff who respond to emergency scenes. The term "red warning signal" replaces the term "red light" in the statute. The bill eliminates a number of the technical provisions regarding the type, size, and placement of warning signals but makes two (2) warning signals the maximum number that may be legally displayed. Also makes it legal for an active volunteer firefighter to display a warning signal at the scene of a fire or another emergency, not just on the way to the emergency. Violation of the law remains a nonmoving violation. **Effective Date: Upon Becoming Law.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h0075er.pdf>

House Bill 79 (Ch. 2003-xxx): Communication Services; Cable Theft; Crimes and Penalties

Extensively rewrites F.S. 812.15 that previously dealt with unauthorized reception of cable television service and has been expanded to deal with unauthorized communications services and equipment. The law includes a number of new definitions and offenses that are meant to address the constantly developing area of technology. The term “communications services” applies to radio, fiber optic, photooptical, electromagnetic, photoelectronic, satellite, microwave, data transmission, Internet-based, and wireless distribution services. There are both felony and misdemeanor violations included in the bill, depending on the type of illegal activity. **Effective Date: October 1, 2003.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h0079er.pdf>

Senate Bill 88 (Ch. 2003-45): Motor Vehicles; Inherently Low-Emission Vehicles; High Occupancy Vehicle Lanes; Traffic Control

Adds new subsections to F.S. 316.0741 that will allow a person to operate a defined and certified “inherently low-emission vehicle” [ILEV] in a high occupancy vehicle [HOV] lane at any time, regardless of the number of people in the vehicle. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s0088er.pdf>

Senate Bill 90 (Ch. 2003-xxx): Evidence; Parent-Child Privilege; Minors; Courts; Guardian ad Litem

Creates a parent-child privilege in F.S. 90.5045 that will permit a child and parent of the child, due to the family relationship, to refuse to disclose or prevent another person from disclosing communications between the parent and child that were intended to be made in confidence between them. Either the child or the parent, or the guardian or conservator of the child or parent, may claim the privilege. The bill defines “parent” and the term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, with listed exceptions. The parent-child privilege does not apply to: (1) a proceeding brought by the child against the parent or vice versa; (2) a criminal proceeding in which the child is charged with a crime committed against the person or property of the child’s parent or any other child of the parent; (3) a criminal proceeding in which the parent is charged with a crime committed against the person or property of the child or any child of the child; (4) a criminal or other governmental investigation involving allegations of abuse, neglect, abandonment, or nonsupport of a child by the parent; (5) a criminal or other governmental investigation involving allegations of certain types of abuse of a parent by a child of that parent; or (6) a proceeding governed by the Florida Family Law Rules or Florida Juvenile Rules of Procedure. The law provides that the child or parent can expressly waive the privilege and consent to disclosure of the communication. Consent by a minor child or a child who has not yet been

emancipated is only valid if approved by the court based upon the recommendation of a court-appointed guardian ad litem. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s0090er.pdf>

Senate Bill 144 (Ch. 2003-114): “Sexual Battery Victims’ Access to Services Act”; Assault; Battery; Stalking; Department of Health; Courts; Sexual Offenses; Sentencing; Rape Crisis Centers; Victims; Crimes and Penalties

New F.S. 938.085 requires courts to impose a \$151 surcharge against offenders who plead guilty or nolo contendere to, or are found guilty of, regardless of adjudication, specified violations of law prohibiting assault, battery, stalking, or sexual battery. The funds are to be deposited into a Department of Health trust fund that is to be used for Rape Crisis Centers that are to provide a number of defined services to sexual battery victims and their families. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s0144er.pdf>

Senate Bill 160 (Ch. 2003-10): Controlled Substances; 1,4-Butanediol; GBL; Industrial Chemicals; Schools; Child Care Facilities; Crimes and Penalties

Creates F.S. 893.031 that establishes industrial exceptions to controlled substance scheduling. In doing so the legislature recognizes that 1,4-Butanediol and Gamma-butyrolactone (GBL) have legitimate uses as industrial chemicals and has provided for the legitimate production, sale, and use of those chemicals for such purposes. The new statute also specifically lists circumstances that do not qualify as industrial exemptions. The bill also amends F.S. 893.13(1)(c) in order to clarify the hours during which increased penalties apply to the sale, manufacture, delivery, or possession of a controlled substance within 1,000 feet of the real property comprising a child care facility or elementary, middle, or secondary school. The hours of prohibition are from 6:00 a.m. to 12 midnight. **Effective Date: May 2, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s0160er.pdf>

Senate Bill 174 (Ch. 2003-59): “Marine Turtle Protection Act”; Sentencing; Fish and Wildlife Conservation Commission; Crimes and Penalties

Amends F.S. 370.12, the “Marine Turtle Protection Act,” by creating a number of first-degree misdemeanor and third-degree felony penalties for acts relating to specified species of marine turtles, including possessing a specified number of marine turtle eggs. The bill provides that the Fish and Wildlife Conservation Commission may issue special permits for scientific, education, or exhibition purposes, or for conservation activities. It also amends F.S. 777.04(4), governing criminal attempts, solicitation, and conspiracy by adding F.S. 370.12 to the list of specified statutes to which penalty reductions do not apply. **Effective Date: July 1, 2003.**

<http://www.flSenate.gov/data/session/2003/Senate/bills/billtext/pdf/s0174er.pdf>

Senate Bill 192 (Ch. 2003-13): Library Confidentiality; Public Records; Judges; Minors; Law Enforcement Agencies; Sheriffs; Crimes and Penalties

Revises F.S. 257.261 pertaining to the confidentiality of library registration and circulation records, including those of minors. Absent a court order these records may be released only to specified parties, including a local law enforcement agency or Sheriff's Office, for the purpose of recovering overdue materials or collecting fines. Violation of this law continues to be a second-degree misdemeanor. [NOTE: Also see SB 1434 that contains some identical provisions.] **Effective Date: July 1, 2003.**

<http://www.flSenate.gov/data/session/2003/Senate/bills/billtext/pdf/s0192er.pdf>

House Bill 195 (Ch. 2003-xxx): "Emergency Medical Dispatch Act"; Negligence; Civil Liability; Department of Health

Creates F.S. 768.1335 concerning public or private entities that are responsible for the dispatching of emergency medical assistance or services in a prehospital setting. The bill creates a presumption of "non-negligence" when a trained and certified "emergency medical dispatcher" has utilized approved emergency medical dispatch protocols in his or her dispatching duties. Also revises F.S. 401.111 to allow the Department of Health to provide grant money to assist agencies in providing emergency medical dispatch services. **Effective Date: September 11, 2003.**

<http://www.flSenate.gov/data/session/2003/House/bills/billtext/pdf/h0195er.pdf>

Senate Bill 260 (Ch. 2003-28): Condominiums; Flags; Holidays

New F.S. 718.113 will allow condominium unit owners to respectfully display flags of the United States Air Force, Army, Coast Guard, Marine Corps, or Navy on Armed Forces Day, Memorial Day, Flag Day, Independence Day, and Veterans Day. **Effective Date: July 1, 2003.**

<http://www.flSenate.gov/data/session/2003/Senate/bills/billtext/pdf/s0260er.pdf>

Senate Bill 278 (Ch. 2003-141): Inmates; Transportation; Department of Corrections; Motor Vehicles

Amends F.S. 945.091 by clarifying that an inmate may travel to and from his or her place of employment, education, or training only by means of walking, bicycling, public transportation, or transportation that is provided by a family member or employer, absent specific appropriations for the Department of Corrections. Also creates F.S. 945.0913 that specifically prohibits an inmate from driving a state-owned vehicle for the purpose of transporting inmates to or from work-release programs. **Effective Date: October 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s0278er.pdf>

Senate Bill 340 (Ch. 2003-88): “Baker Act”; Physicians; Involuntary Examination

Revises F.S. 394.463[2][f] regarding the release of a person who has been subject to an involuntarily examination under the provisions of the “Baker Act.” The category of persons who may authorize the release of such persons was expanded from psychiatrists and clinical psychologists by adding attending emergency department physicians who have experience in the diagnosis and treatment of mental and nervous disorders. **Effective Date: June 4, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s0340er.pdf>

Senate Bill 428 (Ch. 2003-142): “Howard E. Futch Community Safety Act”; Community Control; Sentencing; Department of Corrections; State Attorneys; Attorney General; Judges; Legislature; Governor; Supreme Court; Forcible Felony; Crimes and Penalties

Creates a subsection in F.S. 921.187 that matches the language in F.S. 948.01(10). The new section prohibits certain offenders from being sentenced to community control if the person has been convicted of, or adjudication withheld for, a forcible felony and the same person had been previously convicted of, or had adjudication withheld for, a forcible felony. Also creates new subsections for F.S. 948.10 that require the Department of Corrections (DOC) to notify the sentencing judge, state attorney, and Attorney General within 30 days of the receipt of a sentencing order if a statutorily ineligible offender [under F.S. 948.01(10)] is placed on community control. Creates other obligations and reporting requirements for DOC, including the necessity of notifying the judiciary and prosecutors about the placement of offenders on community control. DOC must also provide the Governor, the President of the Senate, the Speaker of the House, and the Chief Justice of the Supreme Court with information about the community control program and DOC’s efforts to protect the public from illegal acts by offenders on community control. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s0428er.pdf>

House Bill 439 (Ch. 2003-53): Minors; Guardian ad Litem; Abused Children; Neglected Children; Abandoned Children; Statewide Guardian ad Litem; Justice Administration Commission; Governor; Attorney ad Litem

Establishes yet-to-be-numbered sections of law that create a Statewide Guardian ad Litem Office that is to be housed within the Justice Administration Commission. All locally based Guardian ad Litem programs and the pilot Attorney ad Litem program established under F.S. 39.4086 are to be transferred to the Statewide Office. Upon recommendation of a Qualifications Commission, the Governor will appoint the executive director of the Statewide Office. The appointee must have knowledge of dependency law and social service delivery

systems available to assist the children who need services. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h0439er.pdf>

House Bill 453 (Ch. 2003-xxx): Public Records; Victims; Sexual Offenses

Creates a new public records exemption and confidentiality in F.S. 119.07(3)(f)2 for any criminal intelligence or criminal investigative information which is a photograph, videotape, or image of any part of the body of a victim of a specified sexual offense. The record will be confidential and exempt regardless of whether or not it identifies the victim. The bill applies to such records that are held before, on, or after the effective date of the law. **Effective Date: June 17, 2003.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h0453er.pdf>

House Bill 479 (Ch. 2003-23): Cyberstalking; Stalking; Crimes and Penalties

Amends the provisions prohibiting stalking in F.S. 784.048 by adding the act of cyberstalking. "Cyberstalking means to engage in a course of conduct to communicate, or cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose." Also expands the third-degree felony offense of "aggravated stalking" to include the making of a threat that places a person in reasonable fear of death or bodily injury of the person, the person's child, sibling, spouse, parent, or dependent. **Effective Date: October 1, 2003.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h0479er.pdf>

Senate Bill 482 (Ch. 2003-30): Military Personnel; Rental Property; Civil Damages; Landlord and Tenant

This bill revises F.S. 83.682, concerning the termination of a rental agreement by a member of the U.S. Armed Forces, by eliminating the requirement of payment of liquidated damages when such a service member terminates the rental agreement due to being reassigned. The service member must still present a notice of termination with a copy of the orders or other verification and is still responsible for payment of rent while he or she is still a tenant. The law also prohibits a landlord from discriminating against a member of the armed services in offering a dwelling unit for rent or in any term of the rental agreement. In addition, the bill creates F.S. 83.575 that governs the termination of a tenancy with a listed specific duration. Under the new law, a rental agreement for a specific time period may contain a provision that requires the tenant to notify the landlord prior to vacating the premises at the end of the rental period. However, the agreement may not require more than 60 days notice prior to vacating the premises. If the tenant fails to give the required notice, the tenant may be liable for liquidated damages. Also, if the tenant remains on the premises with the

landlord's permission after the tenancy has ended and fails to give notice required in F.S. 83.57(3), the tenant is liable for an additional month's rent. [NOTE: See SB 684 and SB 1098 for related topic information.] **Effective Date: May 23, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s0482er.pdf>

Senate Bill 488 (Ch. 2003-63): Probation; Community Control; Sexual Offenders; Schools; Day Care Centers; Parks; Playgrounds; Crimes and Penalties

Amends F.S. 948.03(5)(a)2 governing mandatory terms and conditions of probation and community control for certain persons who have committed specified sexual offenses. Qualifying offenders who committed their crimes after September 30, 1995, may not live within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate. The new language specifies that the distance must be measured in a straight line from the nearest boundary of the specified property to the offender's residence. In addition, the distance may not be measured by a pedestrian or automobile route. **Effective Date: June 2, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s0488er.pdf>

Senate Bill 530 (Ch. 2003-46): "Nick Oelrich Gift of Life Act"; Next-of-Kin; Organ Donation; Anatomical Gifts; Guardians

This bill was created in honor of the deceased son of Alachua County Sheriff Stephen Oelrich and it amends many sections of F.S. Chapter 765 relating to anatomical gifts. Changes to F.S. 765.512 prohibit a family member, guardian, representative ad litem, or health care surrogate of an adult anatomical gift donor from modifying, denying, or preventing from being made, after the death of the donor, the donor's wish or intent to make an anatomical gift. Also revises the procedures in F.S. 765.516 governing the amendment of the terms or revocation of an anatomical gift by a donor. An oral statement to the donor's spouse alone will no longer qualify; any oral statements must be made in the presence of two persons, one of whom must not be a family member, and the wish must be communicated to the donor's family, attorney, or prospective donee. In order for a donor's signed writing regarding amendment or revocation of an anatomical gift to be effective after death, the writing must be found on or about the donor and not just in the donor's effects. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s0530er.pdf>

House Bill 561 (Ch. 2003-117): "The Victim's Freedom Act"; Sexual Violence; Victims; Protective Injunctions; State Attorneys; Clerk of Court; Forcible Felony; "Domestic, Dating, Sexual, and Repeat Violence Injunction Statewide Verification System"

“The Victim’s Freedom Act” amends F.S. 784.046, that previously only applied to actions by victims of repeat violence or dating violence in seeking protective injunctions, by creating a category of “sexual violence” and allowing victims of such acts to also seek protective injunctions. By definition, “sexual violence” means any one incident of sexual battery as defined in F.S. Chapter 794; a lewd or lascivious act as defined in F.S. Chapter 800 that is committed upon or in the presence of a person younger than 16 years of age; luring or enticing a child as described in F.S. Chapter 787; sexual performance by a child as described in F.S. Chapter 827; or any other forcible felony during which a sexual act is committed or attempted. The law also specifies that “sexual violence” includes any of the incidents cited above regardless of whether criminal charges were filed, reduced, or dismissed by the State Attorney. The bill establishes the procedures that must be followed in seeking a protective injunction against sexual violence, including, for example, duties of the petitioner and the Clerk of Courts. This bill also redesignates the statewide injunction verification system as the “Domestic, Dating, Sexual, and Repeat Violence Injunction Statewide Verification System.” **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h0561er.pdf>

Senate Bill 614 (Ch. 2003-90): Motor Vehicles; Buses; Schools; Employers and Employees; Drivers’ License; Safety Belts

Revises F.S. 316.70 by requiring the employers of nonpublic sector school buses to check the driving records of their school bus drivers at least once each year to determine if the drivers have a suspended or revoked driver’s license. Also clarifies, per the change to F.S. 316.6145, that each school bus that is purchased new after December 31, 2000, must be equipped with safety belts or another approved restraint system. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s0614er.pdf>

Senate Bill 676 (Ch. 2003-xxx): Transportation; Motor Vehicles; Traffic Control; Toll Collection Facilities; Commercial Motor Vehicles; Motor Carriers; Department of Transportation; Law Enforcement Officers; Traffic Citations; Repeal; Crimes and Penalties

This 113-page bill addresses and corrects a number of obsolete references that are currently in a number of Florida’s transportation laws and not all the provisions of this bill have been summarized. Revises procedures for payment of toll collection facility bills in F.S. 316.1001 and for commercial motor vehicles in F.S. 316.302 and F.S. 316.3025. Amends F.S. 316.3026, concerning the unlawful operation of motor carriers, and prescribes duties of the Office of Motor Carrier Compliance of the Department of Transportation (DOT). It is a third-degree felony under this section for a person to knowingly drive a commercial motor vehicle after the DOT has issued an out-of-service order against the vehicle. Repeals F.S. 316.3027 that had applied to identification requirements on commercial motor

vehicles because of the addition of identification requirements to F.S. 316.302. Amends the maximum length requirements for semitrailers in F.S. 316.515 and the weight requirements in F.S. 316.545. Under the revisions to the latter section a DOT weight inspector may detain a commercial motor vehicle because of an obvious safety defect or if it is being operated in violation of an out-of-service order. In such cases, the weight inspector may summon any law enforcement officer with authority to enforce traffic laws in order to take any necessary law enforcement action. Repeals F.S. 316.610(3) concerning DOT issuance of safety inspection certificates. Amends the traffic citation issuance procedures that are in F.S. 316.650. Also revises the traffic infraction provisions in F.S. 318.14 to reflect the creation of language governing the payment of fines for violating toll collection facility payment offenses. **Effective Date: Upon Becoming Law except as bill provides otherwise.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s0676er.pdf>

Senate Bill 684 (Ch. 2003-68): Military Personnel; National Guard; Department of Military Affairs; Governor; Militia; Employers and Employees; Landlord and Tenant; Workers' Compensation; Health Insurance; Courts-Martial; Repeal; Terrorism; Domestic Security; Crimes and Penalties

This 74-page bill substantially revises the laws in F.S. Chapter 250 concerning the Florida National Guard, the Department of Military Affairs, and the state militia. It also addresses the duties and authority of the Governor that relate to those entities, including the right of the Governor to order troops into state active duty to respond to terrorist threats or attacks. The bill covers issues regarding National Guard members in such areas as the duties of employers, landlord and tenant relationships, workers' compensation coverage, health insurance coverage, and requirements for courts-martial. Revises the elements of and increases the penalty to a first-degree misdemeanor in F.S. 250.29 that requires an officer, when ordered, to provide emergency aid to a civil authority. Amends the elements of and increases the penalty to a first-degree misdemeanor in F.S. 250.43 concerning the illegal wearing of a uniform or insignia or rank. Revises the elements and penalties for the illegal sale or exchange of military equipment in F.S. 250.44. Increases the misdemeanor penalty listed in F.S. 250.45 for discriminating against a person who is lawfully wearing a military uniform, in F.S. 250.51 for persons who make unlawful insults to Florida National Guard troops, and in F.S. 250.52 for illegally persuading a citizen to not enlist in the National Guard. Also repeals designated obsolete sections of F.S. Chapter 250. [NOTE: See SB 482 and SB 1098 for related topic information.] **Effective Date: June 2, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s0684er.pdf>

Senate Bill 738 (Ch. 2003-69): Worthless Checks; Civil Actions; Service of Process

Amends F.S. 68.065 that controls procedures to be used in civil actions to collect worthless checks by allowing for delivery of a written demand for payment by first class mail as evidenced by an affidavit of service of mail. This new procedure is in addition to current service that is allowed by either certified or registered mail. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s0738er.pdf>

House Bill 747 (Ch. 2003-116): Sexual Battery; Statute of Limitations; Crimes and Penalties

Revises F.S. 775.15 by extending the time during which a prosecution for a first-degree felony sexual battery violation of F.S. 794.011 may be commenced. A prosecution may be started at any time if the victim was under the age of 18 at the time of the offense. The new statute of limitations will apply to any applicable case except one where the time limitation has run on or before the effective date of this bill. **Effective Date: October 1, 2003.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h0747er.pdf>

House Bill 761 (Ch. 2003-xxx): Hearing Aids; Crimes and Penalties

Amends the provisions of F.S. 484.0512 concerning hearing aids by adding definitions for the terms “seller” or “person selling a hearing aid.” Also makes it a first-degree misdemeanor for a seller to not refund all money to a dissatisfied hearing aid purchaser within 30 days of the return or attempted return of a hearing aid. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h0761er.pdf>

House Bill 835 (Ch. 2003-58): Adoption; Minors; Crimes and Penalties

As part of this 131-page bill, amends F.S. 63.212 that criminalizes specified actions concerning adoptions. A revision to F.S. 63.212[1][a] makes it a third-degree felony to place or attempt to place a minor for adoption with a person who primarily lives and works outside Florida unless all the requirements of the Interstate Compact for the Placement of Children, as applicable, have been met. The bill also amends the elements in the third-degree felony violations in F.S. 63.212[4] and [7] concerning acts by an “adoption entity.” **Effective Date: May 30, 2003.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h0835er.pdf>

House Bill 847 (Ch. 2003-xxx): “Paul Mendelson Citizens’ Right to Honest Government Act”; Ethics; Bribery; Public Servants; Criminal Investigation; Criminal Prosecution; Bid Tampering; Repeal; Crimes and Penalties

By incorporating many suggestions of the 1999 Public Corruption Study Commission, the bill makes numerous changes to F.S. Chapter 838 governing Bribery and Misuse of Public Office. Creates new definitions and offenses in that

chapter to address a number of ethics issues relating to public servants. Revises the elements of Bribery in F.S. 838.015 and Unlawful Compensation in F.S. 838.016 and increases the penalty for violation of each from a third to second-degree felony. Repeals F.S. 839.25, the offense of “Official Misconduct,” and substantially rewords and recreates it as F.S. 838.022, a third-degree felony. Creates F.S. 838.21, a third-degree felony offense for illegal disclosure or use of confidential criminal justice information by a public servant that is done to obstruct, impede, or prevent a criminal investigation or prosecution. Also creates the second-degree felony of bid tampering by public servants in F.S. 838.22. **Effective Date: October 1, 2003.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h0847er.pdf>

House Bill 945 (Ch. 2003-xxx): Agricultural Inspection Stations; Department of Agriculture and Consumer Services; Motor Vehicles; Employers and Employees; Crimes and Penalties

Amends the second-degree misdemeanor in F.S. 570.15, concerning requirements for stopping at agricultural inspection stations, by allowing the Department of Agriculture and Consumer Services to promulgate rules allowing “nonagricultural laden vehicles” to bypass such stations. Also revises F.S. 570.16 by making it a second-degree misdemeanor for a person to impersonate an inspector, agent, or other employee of the Department of Agriculture and Consumer Services. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h0945er.pdf>

House Bill 947 (Ch. 2003-54): DUI; BUI; Alcohol Testing; Implied Consent; Traffic Control; Florida Department of Law Enforcement; Crimes and Penalties

In response to the recent ruling of the 2nd DCA case, State v. Bodden, amends F.S. 316.1932 and F.S. 327.352 to provide for separate urine testing provisions in the implied consent laws for driving under the influence and boating under the influence. The bill clarifies the legislative intent that urine testing does not fall under the same “FDLE approved procedures” requirement as do breath and blood testing. **Effective Date: May 27, 2003.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h0947er.pdf>

House Bill 953 (Ch. 2003-24) Weight-Loss Pills; Minors; Department of Agriculture and Consumer Services; Crimes and Penalties

Creates a yet-to-be-numbered provision of law that makes it a violation to sell, deliver, barter, furnish, or give, directly or indirectly, a weight-loss pill to any person under the age of eighteen (18) years. A “weight-loss pill” means a pill that is available without a prescription when the advertising or packaging indicates that its primary purpose is for facilitating or causing weight loss. In addition, the pill must contain at least one of the following ingredients: ephedra species, ephedrine alkaloid containing dietary supplements, or *Sida cordifolia*. The

Department of Agriculture and Consumer Services will be responsible for administering the law and violators are subject to fines ranging from \$100 to \$1,000 depending on the number of violations committed. **Effective Date: July 1, 2004.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h0953er.pdf>

House Bill 1019 (Ch. 2003-137): Public Records; Minors; Videotaped Records; Sexual Offenses; Victims; Law Enforcement Agencies

Removes the scheduled October 2, 2003 repeal of F.S. 119.07(3)(s)2 that provides public records exemption and confidentiality for any information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct when the information reveals the minor's identity. Also amends the same section of law to provide that the exemption applies to such records when they are held by a law enforcement agency. **Effective Date: October 1, 2003.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h1019er.pdf>

House Bill 1031 (Ch. 2003-104): Public Records; Florida Kidcare; Minors; Agency for Health Care Administration; Department of Children and Family Services; Department of Health; Crimes and Penalties

Removes the scheduled October 2, 2003 repeal of F.S. 409.821 concerning public records exemption and confidentiality of information concerning the Florida Kidcare program. Also amends that section by specifying that the exemption and confidentiality provisions apply to identifying information of applicants to or enrollees in the Florida Kidcare program that is held by the Agency for Health Care Administration, the Department of Children and Family Services, the Department of Health, and the Florida Healthy Kids Corporation. Also creates a second-degree misdemeanor offense for unlawful disclosure of such information and provides for retroactive application of the exemption. **Effective Date: June 4, 2003.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h1031er.pdf>

House Bill 1037 (Ch. 2003-xxx): Rabies; Animals; Vaccination Certificates; Public Records; Crimes and Penalties

Reenacts F.S. 828.30(5) concerning the public records exemption for certain information contained in rabies vaccination certificates that was set for repeal on October 2, 2003. The bill also limits the exemption by making it applicable to only the animal owner's name, street address, and phone number, and the animal tag number. Such information is also designated as being exempt from public disclosure rather than being confidential. **Effective Date: October 1, 2003.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h1037er.pdf>

Senate Bill 1046 (Ch. 2003-92): Firefighters; Motor Vehicles; Motorcycles; Traffic Control

Amends F.S. 316.209, governing the operation of motorcycles on roadways laned for traffic, by specifying that the provisions of the law do not apply to firefighters who are engaged in the performance of their official duties. Previously, only law enforcement officers had been exempted from the law. **Effective Date: June 4, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1046er.pdf>

Senate Bill 1050 (Ch. 2003-143): Saltwater Products; Crimes and Penalties

This 18-page bill amends a number of provisions in F.S. Chapter 370 relating to saltwater products. Creates F.S. 370.021(6) that establishes felony and misdemeanor violations for multiple infractions involving the unlicensed sale, purchase, or harvesting of saltwater products. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1050er.pdf>

House Bill 1059 (Ch. 2003-xxx): Pari-Mutuel Wagering; Gambling; Cardrooms; Poker; Crimes and Penalties

Among other sections of law related to pari-mutuels, the bill revises a number of provisions governing the operation of cardrooms. The definition of an “authorized game” in F.S. 849.086[2] was changed to only include “a game or series of games of poker” while deleting current references to other games such as pinochle, bridge, rummy, canasta, hearts, dominoes, or mah-jongg. The bill extensively amends the provisions of F.S. 849.086[7] that establish the conditions for operating a cardroom and also changes the method and limit of wagers in F.S. 849.086[8]. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h1059er.pdf>

Senate Bill 1072 (Ch. 2003-71): Identity Theft; Internet Fraud; Sentencing; Evidence; Records; Subpoenas; Court Orders; Search Warrants; Communication Records; Crimes and Penalties

This 27-page bill covers a number of topics related to identity theft and prevention of Internet fraud activities. Amends F.S. 817.568(1) by adding bank account and credit card number information to the definition of “personal identification information.” Creates new violations and revises some prior violations in F.S. 817.568 while adding first and second-degree felonies and mandatory minimum sentences for specified offenses. Adds a definition of “court of competent jurisdiction” to F.S. 934.23(1) governing the required disclosure of customer communications or records. Creates F.S. 92.605 that establishes procedures for obtaining specified records from Florida businesses and out-of-state corporations, including the use of subpoenas, court orders, or search warrants. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1072er.pdf>

Senate Bill 1080 (Ch. 2003-15): Theft; Anhydrous Ammonia; Controlled Substances; Precursor Chemicals; Crimes and Penalties

Revises the theft laws in F.S. 812.014[1][c] by making the theft of anhydrous ammonia a third-degree felony. Also amends F.S. 893.033 by adding anhydrous ammonia to the list of precursor chemicals. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1080er.pdf>

Senate Bill 1098 (Ch. 2003-72): “Florida Uniformed Servicemembers Protection Act”; Military Personnel; Military Affairs; National Guard; Landlord and Tenant; Leave of Absence; Mobile Homes; Telecommunications Service; Motor Vehicle Lease; Insurance; Real Property; Bright Futures Scholarship

This 25-page bill addresses a number of issues governing military affairs and members of the Florida National Guard, especially when they are called for active duty. New Part IV of F.S. Chapter 250 was created as the “Florida Uniformed Servicemembers Act” with the intent that persons serving in the National Guard and U.S. Armed Forces understand their rights under applicable state and federal law. Also substantially revises a number of definitions in F.S. 250.01, including the terms “active duty” and “state active duty.” Makes changes to the landlord and tenant laws in F.S. Chapter 83 and offers a number of new protections to servicemembers, especially when they have to terminate a lease due to duty activation or assignment. The leave of absence laws pertaining to public officials and employees in F.S. Chapter 115 have also been revised. Amends the mobile home registration provisions in F.S. 320.07(3). Creates F.S. 364.195 and F.S. 520.14 that respectively provide procedures and rights for servicemembers who terminate telecommunication services and motor vehicle lease retail installment contracts. Also creates rights for servicemembers who cancel insurance contracts and real property purchase agreements due to service activation in F.S. 627.7283(5) and F.S. 689.27, respectively. Finally, changes to F.S. Chapter 1009 address the topic of the status of Florida Bright Futures Scholarships for an activated servicemember. [NOTE: See SB 482 and SB 684 for related topic information.] **Effective Date: June 2, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1098er.pdf>

Senate Bill 1176 (Ch. 2003-xxx): Taxation; Electronic Funds Transfer; Department of Revenue; Crimes and Penalties

As part of a 65-page bill dealing mainly with a variety of tax-related issues, amends F.S. 832.062 regarding prosecution for the issuance of worthless payments to the Department of Revenue (DOR) for the payment of taxes. It will now be either a third-degree felony or second-degree misdemeanor, depending on the amount of the transfer, for a person or business to cause a worthless electronic funds transfer to be sent to DOR in payment of taxes due. **Effective Date: July 1, 2003, except as bill provides otherwise.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1176er.pdf>

Senate Bill 1182 (Ch. 2003-xxx): Public Records; Security System Plans; Government Property; Private Property; Domestic Security; Terrorism

Amends F.S. 119.071 in order to clarify the current public records exemption and confidentiality provisions. The revision provides that when a governmental agency holds all or part of a security system plan for specified property, it may refuse to disclose and thus maintain the confidentiality of such plans. However, if it desires to do so, the agency holding the records may release such information to the property owner or leaseholder. **Effective Date: May 21, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1182er.pdf>

Senate Bill 1218 (Ch. 2003-xxx): Florida Food Safety and Food Security Advisory Council; Food Safety; Department of Agriculture and Consumer Services

Creates the Florida Food Safety and Food Security Advisor Council in F.S. 500.033. The purpose of this council is to serve as a forum for presenting, investigating, and evaluating issues relating to the assurance of a safe and secure food supply for the people of Florida. The council is to make periodic reports to the Department of Agriculture and Consumer Services and is to be made up of representatives from numerous local, state, and federal agencies plus members from private industry and the legislature. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1218er.pdf>

House Bill 1227 (Ch. 2003-82): Weapons and Firearms; Self-Propelled Knives; Ballistic Self-Propelled Knives; Switchblade Knives; Crimes and Penalties

Clarifies the definition of "self-propelled" knives in F.S. 790.225 to address the concerns raised in the case of State v. Darynani, 774 So. 2d 855 (Fla 4th DCA 2000). Amends the section to prohibit the manufacture, sale, or possession of a "ballistic self-propelled knife" that is defined as "a device that propels a knifelike blade as a projectile and which physically separates the blade from the device by means of a coil spring, elastic material, or compressed gas." A switchblade knife in which the blade remains physically integrated with the device when open is specifically exempted from consideration as a ballistic self-propelled knife. **Effective Date: June 2, 2003.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h1227er.pdf>

Senate Bill 1232 (Ch. 2003-35): Pest Control; Department of Agriculture and Consumer Services; Crimes and Penalties

Amends a number of provisions of F.S. Chapter 482 as they relate to persons and businesses providing pest control services under the authority of the Department of Agriculture and Consumer Services [DACs]. Pursuant to F.S. 482.191, violation

of any of the provisions of the chapter or any rules promulgated by DACS relative to pest control is a second-degree misdemeanor. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1232er.pdf>

Senate Bill 1318 (Ch. 2003-xxx): “Rilya Wilson Act”; Child Abuse; Minors; Law Enforcement Agencies; Department of Children and Family Services; Missing Children

The “Rilya Wilson Act” requires children, from 3 years of age until school entry age, who are in state care as a result of having been abused, neglected, or abandoned, and who are enrolled in early education or child care programs, to participate in an age-appropriate education program to help reduce the negative consequences of the abuse, neglect, or abandonment. If a child receives two consecutive unexcused or seven excused absences from the program either the Department of Children and Family Services or a community-based lead agency must make a home visit to check on the child. After visiting the home, if it is determined that the child is missing, the investigating agency must notify a law enforcement agency so that missing children procedures can be initiated. **Effective Date: Upon Becoming Law.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1318er.pdf>

Senate Bill 1426 (Ch. 2003-125): Per Diem Travel; Counties and Municipalities; School Boards; Special Districts; Crimes and Penalties

Creates F.S. 166.021(10) that gives a municipality or an agency of such an entity the option of either following the terms of per diem travel as provided in F.S. 112.061 or to provide a per diem and travel expense policy that varies from that section. Makes it a second-degree misdemeanor to willfully make and subscribe to a claim for per diem that is not true. It is also a second-degree misdemeanor to willfully aid, assist in, or procure, counsel, or advise the preparation or presentation of a fraudulent or false claim. Also creates F.S. 112.061[14] that permits counties, county officers, school boards, and special districts to establish per diem rates that exceed the maximum rates included for nonstate travelers in F.S. 112.061. **Effective Date: June 10, 2003, and it applies retroactively to January 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1426er.pdf>

Senate Bill 1434 (Ch. 2003-126): Library Confidentiality; Public Records; Judges; Minors; Law Enforcement Agencies; Sheriffs; Crimes and Penalties

In addition to addressing the financing of libraries, also revises F.S. 257.261 pertaining to the confidentiality of library registration and circulation records, including those of minors. Absent a court order these records may only be released only to specified parties, including a local law enforcement agency or Sheriff’s Office, for the purpose of recovering overdue materials or collecting fines. Violation of this law continues to be a second-degree misdemeanor. [NOTE: Also

see SB 192 that contains some identical provisions.] **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1434er.pdf>

Senate Bill 1442 (Ch. 2003-127): Child Protection Investigations; Minors; Law Enforcement Agencies; Sheriffs; Department of Children and Family Services; Mandatory Reports; Central Abuse Hotline; Public Records; Juvenile Sexual Offender; Onsite Investigations

This 23-page bill amends and creates a number of provisions pertaining to child protection investigations. Included is a change to F.S. 39.201 that will require specified mandatory child abuse reporters, including law enforcement officers, to provide their names to the Central Abuse Hotline staff. The reporter's name must then be held confidential and exempt from public records release. The bill also modifies procedures of the Central Abuse Hotline, including transferring calls for investigation to non-Florida jurisdictions where the reported abuse allegedly took place. Changes to F.S. 39.301, governing the initiation of protective investigations, require the Department of Children and Family Services (DCFS) or the Sheriff's Office that provides child protective investigation services under F.S. 39.3065 to perform an onsite investigation if specified conditions are present. Legal custodians or caregivers are added to the list of persons who must be interviewed as part of an onsite investigation. The bill also requires DCFS to perform enhanced onsite investigations if any of the listed conditions are present. DCRS must also establish a Protective Investigator Retention Workgroup that must include representation from Sheriff's Offices that conduct child protection investigative services. In addition, DCFS, in collaboration with Sheriff's Offices, must develop guidelines for conducting onsite child protective investigations and for conducting enhanced child protective investigations. **Effective Date: June 10, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1442er.pdf>

Senate Bill 1448 (Ch. 2003-36): Unemployment Compensation; Agency for Workforce Innovation; Crimes and Penalties

Unemployment compensation law reform of F.S. Chapter 443 and other related statutes is the main topic of this 257-page bill. Included in the bill are changes to the misdemeanor offenses concerning the waiver of rights in F.S. 443.041. The elements of offenses concerning the making of false statements in F.S. 443.071 have also been revised. Some of the misdemeanor offenses in F.S. 443.171 concerning the Agency for Workforce Innovation have also been amended, as have the elements of F.S. 443.1715 regarding the disclosure of confidential information. **Effective Date: October 1, 2003, except as bill provides otherwise.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1448er.pdf>

House Bill 1453 (Ch. 2003-xxx): Vessels; Sales; Marinas; Department of Highway Safety and Motor Vehicles

Substantially rewords F.S. 328.17 governing procedures for the nonjudicial sale of vessels by marinas when such vessels are held for unpaid costs, storage charges, dockage fees, or removal costs. Included in the bill is the duty of the Department of Highway Safety and Motor Vehicles to provide specified certification forms. **Effective Date: Upon Becoming Law.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h1453er.pdf>

Senate Bill 1454 (Ch. 2003-146): “Local Funding Revenue Maximization Act”; Law Enforcement Agencies; Sheriffs; Minors; Child Welfare Services; Missing Children; Department of Children and Family Services; Counties and Municipalities; FCIC; Florida Department of Law Enforcement

This 38-page bill covers a number of topics relating to child welfare services as well as the funding of those services by state and local governmental entities. The bill amends F.S. 402.40 by creating a new definition of “child welfare services” and establishing training requirements and core curricula with input from Sheriff’s offices that conduct child protection investigations. It also revises the missing children procedures in F.S. 937.021 by allowing a police report that a child is missing to be filed with the law enforcement agency having jurisdiction in the county or municipality in which the child was last seen prior to the filing of the report. This may be done without regard to whether the child resides in or has any significant contacts with that county or municipality. When the “receiving” law enforcement agency gets the report it must then immediately notify all on-duty law enforcement officers of the report, communicate the report to every other law enforcement agency in the county, and transmit the report to the FCIC computer at the Florida Department of Law Enforcement. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1454er.pdf>

Senate Bill 1480 (Ch. 2003-50): Fences; Animals; Crimes and Penalties

Amends F.S. 810.115 concerning breaking or injuring fences. Creates a third-degree felony offense for breaking or injuring a fence if the fence or any part thereof is used to contain animals at the time of the offense. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1480er.pdf>

House Bill 1579 (Ch. 2003-xxx): Medical Examiners; Agents; Dead Bodies; Autopsies; Next-of-Kin; Law Enforcement Agencies; Crimes and Penalties

Revises the provisions of F.S. 406.135 concerning the confidentiality of photographs of audio and video recordings of an autopsy in the custody of a medical examiner or other agency that possesses such records. Under the changes to the law, a decedent’s surviving relative, with whom authority rests to

obtain such records as provided in the law, may designate in writing an agent who will be allowed to obtain such records. When a qualifying surviving relative makes such a written designation, the records may be released to the specified agent. Prior to the change in the law, there was no authority to release the records to an attorney or other person representing the decedent's survivors. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h1579er.pdf>

Senate Bill 1588 (Ch. 2003-95): Controlled Substances; Prisoners; Recreational Facilities; Parks; Community Centers; Colleges; Universities; Public Housing Facilities; Crimes and Penalties

Amends F.S. 893.13(1)(c) by specifying that the sale, manufacture, purchase, delivery of controlled substances (or possession of controlled substances with intent to sell, etc.) within 1,000 feet of the real property comprising a park, community center, or publicly-owned recreational facility will submit the violator to increased penalties. Revises F.S. 893.13(1)(d) by increasing the distance from 200 feet to 1,000 feet from the real property comprising a public or private college, university, or other postsecondary education institution for which increased penalties can be received for specified controlled substance offenses. Also amends F.S. 893.13(1)(f) in the same manner by increasing the distance from 200 to 1,000 feet from the real property comprising a public housing facility for which increased penalties can be received for controlled substance offenses. A "park" can include a state, county, or municipal park and the term "community center" is a facility operated by a nonprofit community-based organization for the provision of recreational, social, or educational services. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1588er.pdf>

House Bill 1591 (Ch. 2003-109): Public Records; Employers and Employees; Employee Assistance Programs

Reestablishes Employee Assistance Programs as provided in F.S. 110.1091 by repealing the scheduled sunset of the law. Also recreates the public records exemption in the same section that protects against release of the personal identifying information of a state employee who participates in such a program. **Effective Date: October 1, 2003.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h1591er.pdf>

Senate Bill 1616 (Ch. 2003-96): Seaport Security; Terrorism; Domestic Security; Florida Department of Law Enforcement; Uniform Port Access Credential System; Department of Highway Safety and Motor Vehicles; Employers and Employees; Criminal History Records; Background Screening

Revises provisions to F.S. Chapter 311 that that will provide for increased seaport security. A change to F.S. 311.12 will allow the Florida Department of Law Enforcement (FDLE) to exempt public seaports from all or part of the statewide

seaport security obligations based on the lack of maritime activity at the port. Additional offenses disqualifying a person from working at a seaport were also added to F.S. 311.12. New F.S. 311.125 requires the implementation by July 1, 2004, of a Uniform Port Access Credential System that will issue a uniform statewide seaport worker access card to be used for entry to, and exit from, secured seaport areas. The Department of Highway Safety and Motor Vehicles, working in conjunction with FDLE and other designated entities, will issue the card that will include biometric identification. Cardholders must pass a fingerprint based criminal history record check in order to be eligible to be issued a card. **Effective Date: June 4, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1616er.pdf>

Senate Bill 1648 (Ch. 2003-18): DNA; Biological Specimens; Blood Collection; Community Control; Probation; Inmates; Prisoners; Jails; Prisons; Sheriffs; Department of Corrections; Department of Juvenile Justice; Florida Department of Law Enforcement

Amends F.S. 948.03(5)(a) to clarify that an offender who is on community control or probation may satisfy the requirement of providing DNA samples to the Florida Department of Law Enforcement by supplying an FDLE-“approved biological specimen” or blood sample. Also revises F.S. 943.325 by adding that an FDLE-“approved biological specimen” may be obtained and forwarded for addition to the DNA database. It also requires that personnel “at the jail, correctional facility, or juvenile facility shall collect the specimens as part of the regular processing of offenders committed to the jail or facility.” The bill also provides that if a person, who must provide a DNA sample, is not to be incarcerated, the offender may not be released from the court’s custody at the time of sentencing, or released pursuant to a bond or surety, until the blood samples or other biological specimens have been taken by the Sheriff or his or her designee. The Sheriff must then “secure, process, and transmit the specimens” to FDLE in a timely manner. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1648er.pdf>

Senate Bill 1650 (Ch. 2003-xxx): Criminal Justice Standards and Training Commission; Law Enforcement Officers; Correctional Officers; Sheriffs; Law Enforcement Agencies; Instructors

The bill makes several "housekeeping" changes to provisions of F.S. Chapter 943 relating to the Criminal Justice Standards and Training Commission (CJSTC) and its duties. It expands CJSTC oversight of agency in-service training instructors by putting them under CJSTC certification and disciplinary requirements. Also amends other provisions of law, including setting time limits on how long a person can be temporarily employed pending certification, prohibiting moving from one employer to another to indefinitely work under the temporary employment option, and bringing all persons employed temporarily under CJTSC's jurisdiction for

discipline. Finally, the bill addresses issues of persons attending CJSTC-certified academies and issues of basic skills that relate to state law governing vocational training and testing. **Effective Date: Upon Becoming Law.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1650er.pdf>

House Bill 1675 (Ch. 2003-84): Burglary; Electric Service; Telephone Service; Crimes and Penalties

Creates F.S. 810.061 that makes it a third-degree felony for a person who, for the purpose of facilitating or furthering the commission or attempted commission of a burglary of a dwelling, damages a wire or line that transmits or conveys telephone or power to that dwelling. It is also a crime under the new section to impair any other equipment necessary for telephone or power transmission or conveyance, or otherwise impair or impede such telephone or power transmission or conveyance. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h1675er.pdf>

House Bill 1683 (Ch. 2003-xxx): Leaving the Scene of An Accident; Traffic Control; Sentencing; Crimes and Penalties

Amends the Criminal Punishment Code in F.S. 922.0022 by increasing the ranking of the offense of leaving the scene of an accident involving death from a Level 6 offense to a Level 7 offense. This will therefore increase the amount of incarceration time that may be given to a driver who violates F.S. 316.027[1][b]. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h1683er.pdf>

Senate Bill 1694 (Ch. 2003-148): “Pete Orr Insurance Anti-Fraud Act”; Insurance Fraud; Motor Vehicle Fraud; Department of Insurance; Fraud; Division of Insurance Fraud; Law Enforcement Officers; Crimes and Penalties

The main purpose of this 28-page bill is to address a number of issues related to insurance fraud. Creates a third-degree felony in F.S. 624.310(8) concerning continued involvement by specified parties in a licensed insurance operation after having been suspended. Also makes new felony offenses, ranging from third-degree to first-degree depending on the amount of insurance fraud committed, for a person to operate as an insurer without a valid certificate of authority per new language in F.S. 624.401. Changes F.S. 626.989(7) by stating that investigators of the Division of Insurance Fraud in the Department of Insurance are to be considered state law enforcement officers for all purposes. New F.S. 817.413 establishes the third-degree felony for selling used motor vehicle goods as new. Also makes it a third-degree felony in new F.S. 860.15(3) for a person to overcharge for repairs or services if the funds used to pay for the repairs or services come from a motor vehicle insurance policy. **Effective Date: July 1, 2003.**

<http://www.flSenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1694er.pdf>

House Bill 1717 (Ch. 2003-xxx): Public Records; Executioner; Repeal

Amends F.S. 945.10(1)(g) by slightly modifying the language that provides a public records exemption for information that identifies an executioner or any person who prescribes, prepares, compounds, dispenses or administers the lethal injection used to carry out a death sentence. Also repeals the duplicative exemption provisions in F.S. 922.106. **Effective Date: Upon becoming law.**

<http://www.flSenate.gov/data/session/2003/House/bills/billtext/pdf/h1717er.pdf>

House Bill 1719 (Ch. 2003-xxx): Construction Liens; Contractors; Real Property; Evidence; Department of Business and Professional Regulation; State Attorneys; Statewide Prosecutor; Crimes and Penalties

Revises a number of sections of law concerning construction liens and contractors. Included is a change to F.S. 713.345 that creates a presumptive inference for acts that constitute misapplication of money received for real property improvements. In cases of an alleged violation of this section of law, the State Attorney or Statewide Prosecutor prosecuting the case must provide a copy of the indictment or information to the Department of Business and Professional Regulation. That department must then investigate the defendant and provide a copy of its investigation report, if probable cause of a violation is found, to the referring prosecutorial authority. **Effective January 1, 2004**, the same notification and investigation procedures must be followed in cases involving prosecutions of F.S. 713.31, regarding fraud or collusion, and F.S. 713.35, governing the making or furnishing of false statements. **Effective Date: October 1, 2003, except as bill provides otherwise.**

<http://www.flSenate.gov/data/session/2003/House/bills/billtext/pdf/h1719er.pdf>

House Bill 1763 (Ch. 2003-xxx): Public Records; Domestic Violence; Address Confidentiality Program; Supervisor of Elections; Attorney General; Victims; Repeal

In addition to removing the October 2, 2003 repeal of F.S. 741.465, amends a number of sections of F.S. Chapter 741 as they relate to the Address Confidentiality Program for victims of domestic violence. Clarifies language in F.S. 741.406 and F.S. 741.465 concerning the exemption of public records domestic violence victim information that is held by the Supervisor of Elections and the Office of the Attorney General. Repeals language in F.S. 741.407 that has been added to the other sections in the bill and specifies that the exemptions apply to information held by the governmental entities before and after the effective date of the exemption. **Effective Date: Upon becoming law.**

<http://www.flSenate.gov/data/session/2003/House/bills/billtext/pdf/h1763er.pdf>

Senate Bill 1822 (Ch. 2003-xxx): Vulnerable Adults; Adult Abuse; Elderly Persons; Dependent Persons; Protective Services; Law Enforcement Agencies; Sheriffs; Department of Children and Family Services; Multidisciplinary Adult Protection Team

Amends F.S. 415.1045(6) by requiring that the Department of Children and Family Services (DCFS) enter into working agreements by March 1, 2004, with the law enforcement agency or Sheriff's offices that will be the lead agency in conducting criminal investigations arising from allegations of abuse, neglect, or exploitation of vulnerable adults. New language in F.S. 415.1102 requires creation of a "multidisciplinary adult protection team" that will consist of two or more persons who are trained in the prevention, identification, and treatment of abuse of elderly or dependent persons and who are qualified to provide a broad range of services related to abuse of elderly or dependent persons. Such a team may include mental health, medical, and law enforcement personnel. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1822er.pdf>

House Bill 1833 (Ch. 2003-xxx): "SAFE Act"; Airports; Secure Airports for Florida's Economy Council; Department of Transportation; Florida Department of Law Enforcement; Domestic Security

Creates F.S. 322.14 that establishes the Secure Airports for Florida's Economy Council under the Department of Transportation. The Council must prepare a 5-year Master Plan that is to define the goals and objectives concerning the development of airport facilities and intermodal transportation systems for 19 specified Florida airports. The Florida Department of Law Enforcement must review the list of projects approved by the "SAFE" Council for consistency with domestic security provisions in specified sections of F.S. Chapter 943 and notify the Council of its findings. **Effective Date: Upon Becoming Law.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h1833er.pdf>

Senate Bill 1856 (Ch. 2003-149): Law Enforcement Officers; Correctional Officers; Correctional Probation Officers; Law Enforcement Agencies; Sheriffs; Public Records; "Bill of Rights"; Crimes and Penalties

Revises F.S. 112.532 by clarifying a number of "Bill of Rights" issues that apply to sworn officers. Changes include provisions concerning the number of persons who may be permitted to interrogate an officer during an investigative interrogation as well as an officer's right to file a civil action for filing a false complaint against an officer. An agency must provide a complete copy of the investigative report and any supporting documents prior to conducting an investigative interview when discipline could result in a suspension with loss of pay, demotion, or dismissal. Also amends F.S. 112.533 concerning the receipt and processing of complaints against sworn officers by adding language referring to agency procedures for investigating and determining whether disciplinary action will be taken against

officers. Further clarifies that an attorney or other representative of the officer's choice may review the complaint and materials against the officer. If the attorney or other designated representative prematurely reveals information obtained pursuant to internal investigation before it becomes a public record, he or she is guilty of a first-degree misdemeanor. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1856er.pdf>

Senate Bill 1896 (Ch. 2003-40): Traffic Control; Schools; Speed Zones; Crimes and Penalties

Revises F.S. 316.1895 governing school speed zones by specifying that flashing beacons, either manually activated or activated by a time clock or other automatic device, may be used to replace posted signs that list when the restrictive school speed limit is being enforced. **Effective Date: May 23, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1896er.pdf>

House Bill 1911 (Ch. 2003-xxx): "The Animal Fighting Act"; Animal Baiting; Courts; Cruelty to Animals; Euthanization; Veterinarians; Search Warrants; Crimes and Penalties

Revises and creates numerous provisions of F.S. 828.122 that apply to animal fighting and animal baiting. Adds a definition of "animal fighting" to mean "fighting between roosters or other birds or between dogs, bears, or other animals." Also creates new third-degree felony offenses for breeding, training, transporting, selling, owning, or possessing an animal or equipment for the purpose of animal fighting. Also prohibits other acts or services that facilitate animal fighting and increases the penalty for attending or betting on animal fights to a third-degree felony. A court may also order the seizure of animals and equipment used to violate the cruelty to animal laws in F.S. 828.12. Authority is given to veterinarians to euthanize animals under appropriate circumstances. A court may prohibit a person convicted of animal cruelty from dealing with any animal of the same species for a period of time as determined by the court. Also revises the search warrant laws in F.S. 933.02 and F.S. 933.18 by removing some of the restrictions on the execution of search warrants pertaining to animal cruelty laws. **Effective Date: Upon Becoming Law.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h1911er.pdf>

Senate Bill 1944 (Ch. 2003-xxx): Mobile Homes; Service of Process; Landlords and Tenants; Eviction

Amends the service of process provisions in an action for possession of premises in F.S. 48.183 to include any residential premises, including those involving landlords and tenants under F.S. Chapter 83 and mobile home occupants under F.S. Chapter 723. Also revises the eviction procedures in F.S. Chapter 723 that

regulate mobile home tenants and mobile home occupants. **Effective Date: Upon Becoming Law.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1944er.pdf>

Senate Bill 1992 (Ch. 2003-51): Medal of Heroism; Governor; Law Enforcement Officers; Correctional Officers; Correctional Probation Officers; Firefighters; Emergency Medical Technicians; Paramedics

Creates a currently unnumbered law that will permit the Governor, upon written recommendation, to award a Medal of Heroism to a law enforcement officer, correctional officer, correctional probation officer, firefighter, emergency medical technician or paramedic. In order to be eligible, a "recipient must have distinguished himself or herself conspicuously by gallantry and intrepidity; must have risked his or her life deliberately above and beyond the call of duty while performing duty in his or her respective position; and must have engaged in hazardous or perilous activities to preserve lives with the knowledge that such activities might result in great personal harm." **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h1922er.pdf>

Senate Bill 2002 (Ch. 2003-xxx): Law Enforcement Officers; Correctional Officers; Law Enforcement Agencies; Sheriffs; Basic Recruit Training; Auxiliary Officers; Employers and Employees; Reimbursement

Amends F.S. 943.16 that concerns payment of tuition or officer certification examination fees by employing law enforcement agencies. The bill will permit agencies that paid for basic recruit law enforcement officer or correctional officer training to be reimbursed for tuition, other course expenses, wages, and benefits that it paid to, or for the benefit of, the trainee during the basic training period if the officer leaves the agency within 2 years of graduation from the training program. An agency may waive reimbursement due to cases of hardship or extenuating circumstances and the law does not apply to auxiliary officer training. Reimbursement may not be sought if an officer leaves to take a position that does not require law certification and if the officer resigns his or her certification. **Effective Date: July 1, 2003 and applies to basic recruit training classes commencing after that date.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s2002er.pdf>

Senate Bill 2046 (Ch. 2003-128): Sentencing; Courts; Coterminous Sentencing; Crimes and Penalties

Revises F.S. 921.16(3) by prohibiting county and circuit courts from directing that a sentence imposed by such court be served coterminously with a sentence imposed by another Florida court or court of any other state. **Effective Date: October 1, 2003 and applies to all offenses committed on or after that date.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s2046er.pdf>

Senate Bill 2084 (Ch. 2003-41): Prescriptions; Health Care Practitioners; Pharmacist; Department of Health; Crimes and Penalties

Creates F.S. 456.42 that requires a licensed health care practitioner to issue written prescriptions that are legibly printed or typed so that the pharmacist filling the prescription can understand them. The prescription must also contain the name of the prescribing practitioner, the name and strength of the drug, the quantity of the drug in both textual and numeric form, and the directions for use of the drug. In addition, the prescription must also be dated and signed on the date it was issued. Violation of this section subjects the health care practitioner to disciplinary action by the Department of Health pursuant to F.S. 456.072. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s2084er.pdf>

Senate Bill 2172 (Ch. 2003-115): “Dangerous Sexual Felony Offender Act”; Sexual Offenders; Sexual Offenses; Sentencing; Crimes and Penalties

Makes a number of revisions to F.S. 794.0115 that previously governed persons classified as a “repeat sexual batterer” but now list the offenses and circumstances under which a person may be classified and sentenced as a “dangerous sexual felony offender.” Provides for a 25-year to life mandatory minimum sentence for certain recidivist sexual offenders who committed the offense when the offender was over 18 years of age and also committed specified acts. The acts include: (1) causing serious personal injury to the victim as a result of the offense; (2) using or threatening to use a deadly weapon during the commission of the offense; (3) victimizing more than one person during the course of the criminal episode applicable to the offense; (4) committing the offense while under the jurisdiction of a court for a felony offense in Florida or another jurisdiction or for an offense that would be a felony if that offense were committed in Florida, or; (5) having previously been convicted of any of the same designated sexual offenses. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s2172er.pdf>

Senate Bill 2238 (Ch. 2003-xxx): Real Estate Professionals; Florida Real Estate Commission; State Attorneys; Repeal; Crimes and Penalties

This 107-page bill covers a number of issues relating to real estate professionals, including appraisers, brokers, sales associates, and others in that industry. Throughout many provisions of F.S. Chapter 475, replaces the term “salesperson” with the term “sales associate.” Creates F.S. 475.25(6) that requires the Florida Real Estate Commission to promptly report to the proper prosecuting authority any criminal violation of any statute relating to any real estate professional that the commission regulates. Amends the violation provisions in F.S. 475.42 by making it a third-degree felony for any person to operate as a real estate broker or sales associate without holding a valid and current active license for the position. New

language in that same section makes it a misdemeanor to disseminate false or misleading information for the purpose of offering for sale, or for the purpose of inducing the purchase, lease, or rent of real estate, or for the purpose of inducing another to acquire an interest in real estate. Also repeals F.S. 475.421, the section that had previously criminalized the false advertising actions that were added to F.S. 475.42. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s2238er.pdf>

Senate Bill 2312 (Ch. 2003-155): “Prescription Drug Protection Act”; Controlled Substances; Prescription Trafficking; Prescription Relabeling; Counterfeit Substances; Fraud; Theft; Repackaging; False Advertising; Reciprocity; Attorney General; Statewide Prosecutor; Statewide Grand Jury; Department of Health; Florida Department of Law Enforcement; Background Screening; Criminal History Records; RICO; Counties and Municipalities; Occupational Licenses; Emergency Rules; Cease and Desist Orders; Crimes and Penalties

Based largely on the interim report of the 17th Statewide Grand Jury, this 140-page bill addresses the growing problem of wholesale distribution and resale of prescription drugs. It makes numerous revisions to F.S. Chapter 499 and implements many changes intended to reduce the opportunity for diversion and multiple resale or adulteration of important prescription medications. The bill enacts provisions that respond to the problems of prescription drug theft and fraud that have been perpetrated through practices such as repackaging or relabeling of prescription drugs and the substitution of counterfeit substances as legitimate pharmaceuticals. Both regulatory and criminal laws have been either revised or created and the use of background screening and criminal history record checks has been increased. Various Florida agencies, including the Department of Health (DOH) and the Florida Department of Law Enforcement (FDLE), and listed councils are given the duty to work together to attack the problem. The law expands the list of prohibited acts relating to drugs, devices, cosmetics, and prescription drugs. A few of these numerous changes include revisions to misdemeanor and third-degree felony offenses in F.S. Chapter 499 and new offenses concerning the handling of prescription drugs. New F.S. Sections 499.0051 through 499.0054, inclusive, create third-degree, second-degree, first-degree, and life felonies for acts involving contraband or adulterated drugs, trafficking in contraband legend drugs, and sale or purchase of such drugs that result in great bodily harm or death. The enactment of F.S. 499.0691 creates misdemeanor and felony penalties for a large number of drug-related crimes, including false advertising, knowing adulteration of drugs, and forging or counterfeiting drugs or labeling. The bill eliminates reciprocity for out-of-state drug wholesalers who must now seek Florida permits. Criminal history background checks through FLDE will be required and permits must be renewed annually, not biennially as with the current law. Recordkeeping requirements are made more stringent so that prescription drug diversion can be controlled more effectively. Per F.S. 499.051, FDLE agents will be able to work with DOH agents

in helping to review documents relating to prescription drugs. Per changes to F.S. 499.01(1), conditions are placed on counties and municipalities that issue occupational licenses to designated businesses that are covered under sections of F.S. Chapter 499. Per F.S. 499.0121 the Attorney General or Statewide Prosecutor may institute emergency rulemaking authority to place substances on the list of “specified drugs.” New F.S. 499.0661 allows DOH to issue cease and desist orders to entities that are violating specified portions of the law. The bill revises F.S. 16.56 to give the Statewide Prosecutor authority to investigate and prosecute criminal provisions of Part I of F.S. Chapter 499. In addition the bill amends the provisions of the RICO law in F.S. 895.02 by adding violations of F.S. Sections 499.0051, 499.0052, 499.0053, 499.0054, and 499.0691 to the list of offenses that constitute “racketeering activity.” **On January 1, 2004**, additional changes to F.S. 499.01, governing the permitting process, become effective. **Effective Date: July 1, 2003, except as bill provides otherwise. [NOTE: Due to the number of changes and the varying effective dates, it is recommended that the bill be closely reviewed.]**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s2312er.pdf>

Senate Bill 2366 (Ch. 2003-130): Child Abuse; Minors; Aggravated Child Abuse; Crimes and Penalties

Amends F.S. 827.03 by adding a definition of the term “maliciously” as it is used to modify the term “punishes” in aggravated child abuse crimes. “Maliciously” means “wrongfully, intentionally, and without legal justification or excuse.” The bill also defines circumstances that can be used to determine if an act was one of maliciousness. **Effective Date: June 10, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s2366er.pdf>

Senate Bill 2388 (Ch. 2003-151): Fish and Wildlife Conservation Commission; Wildlife; Saltwater Fish; Fishing; Courts; Licensing Fees; Crimes and Penalties

Amends numerous sections of F.S. Chapter 372 relating to the Fish and Wildlife Conservation Commission. Creates a definition of “saltwater fish” in F.S. 372.001 that applies to various other sections of F.S. Chapter 372. Also creates a duty in F.S. 372.07(4) that a court, upon final disposition of any alleged offense for which a citation for any violation of Chapter 372 or a rule of the commission has been issued, must certify such disposition within 10 days to the commission. The bill also modifies the licensing fee structure for a number of permits. **Effective Date: June 12, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s2388er.pdf>

Senate Bill 2404 (Ch. 2003-xxx): Mental Health Care; Sheriffs; Agency for Health Care Administration; Department of Children and Family Services

This 33-page bill primarily addresses mental health and other related issues. New F.S. 409.912 (4) requires, by October 1, 2003, that the Agency for Health Care

Administration and the Department of Children and Family Services submit a plan that is developed in conjunction with Sheriffs and other named entities, that provides for implementation of prepaid behavioral health care. **Effective Date: Upon Becoming Law.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s2404er.pdf>

Senate Bill 2462 (Ch. 2003-132): Liquefied Petroleum Gas; Department of Agriculture and Consumer Services; “Dance Studio Act”; Crimes and Penalties

As part of a 30-page bill concerning the Department of Agriculture and Consumer Services and its duties, a number of definitions regarding the liquefied petroleum gas industry are either modified or created in F.S. 527.01. As a result of the changes to the “definitions section” there are changes to the felony violations that are listed in F.S. 527.02. In addition, there are new first-degree misdemeanor offenses in F.S. 501.143(4), the “Dance Studio Act.” These violations relate to illegal contract lengths and promises of perpetual ballroom dance studio lessons. **Effective Date: June 10, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s2462er.pdf>

Senate Bill 2488 (Ch. 2003-153): Law Enforcement Agencies; Mutual Aid Agreements; Sheriffs; College Police; Radios; State Technology Office; Domestic Security

Amends the mutual aid agreement provisions in F.S. 23.1225 by clarifying that any employer of certified law enforcement officers in Florida, including college police departments; may enter into mutual aid agreements as authorized by law. The bill corrects an unintentional omission of college police departments from the categories of agencies that may enter into such agreements. Also revises F.S. 282.1095 to facilitate the establishment of interoperability radio networks to allow federal agencies, state agencies, and local agencies, including first responders and law enforcement, to communicate in a "seamless" radio network. In addition, the State Technology Office may also make mutual aid channels in the statewide radio communications system available to federal agencies, state agencies, and local agencies for the purpose of public safety and domestic security. **Effective Date: June 12, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s2488er.pdf>

Senate Bill 2520 (Ch. 2003-20): Alcoholic Beverages; Minors; “The Christopher Fugate Act”; Employers and Employees; Crimes and Penalties

In addition to other provisions regarding the administrative aspects of beverage law, this bill creates “The Christopher Fugate Act” as an addition to F.S. 562.11. The new law makes it a first-degree misdemeanor for an alcoholic beverage licensee or an agent, officer, servant, or employee of the licensee to provide alcoholic beverages to employees younger than 21 years of age, except as authorized pursuant to F.S. 562.111 or F.S. 562.13, F.S. It is also a first-degree

misdeemeanor for a licensee, or one of the previously specified persons, to permit an employee who is younger than 21 years of age to consume alcoholic beverages on the licensed premises. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s2520er.pdf>

Senate Bill 2568 (Ch. 2003-57): Disabled Persons; Vulnerable Persons; Elderly Persons; Adult Abuse; Guardians; Minors; Child Welfare System; Department of Children and Family Services; Health Care Providers; Background Screening

This 57-page bill addresses the protection of and delivery of services to persons who are disabled, vulnerable, or elderly. The definition of “abuse” in F.S. 415.102 is amended so that it only applies to abuse by a caregiver and the definition of “vulnerable” in the same section now includes only persons who are impaired due to long-term, not short-term, physical impairments. The bill revises numerous provisions concerning professional and public guardians in F.S. Chapter 744 and health care providers in F.S. Chapter 400. Changes to background screening provisions will allow the Department of Children and Family Services to consider offenses committed by foster parent applicants, relatives, and other adults prior to October 1, 1995, in making child placement decisions in the child welfare system. **Effective Date: May 30, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s2568er.pdf>

Senate Bill 2586 (Ch. 2003-xxx): Fish and Wildlife Conservation Commission; Vessels; Office of Boating Safety

Amends F.S. 20.331 by creating the Office of Boating Safety within the Fish and Wildlife Conservation Commission. The new office was formed to help manage and promote the use of state waterways for safe and enjoyable boating. Its duties include oversight and coordination of waterway markers, providing boating education and safety programs, improving boating access, and coordinating the removal of derelict vessels from state waters. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s2586er.pdf>

Senate Bill 2708 (Ch. 2003-xxx): Motor Vehicle Dealers; Trucks; Department of Highway Safety and Motor Vehicles

This 19-page bill makes a number of changes to the motor vehicle dealer provisions in F.S. Chapter 320. It amends the definition of “truck” in F.S. 320.60 to include all trucks regardless of weight and creates a definition of “service” in the same section. Now sellers of trucks of any weight will be subject to regulation by the Department of Highway Safety and Motor Vehicles. **Effective Date: Upon Becoming Law.**

<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s2708er.pdf>

SPECIAL SESSION "A"

Senate Bill 10-A (Ch. 2003-xxx): Criminal History Records; Fees; Background Screening; Public Records; Florida Department of Law Enforcement; Department of Elderly Affairs; Department of Children and Family Services; Department of Juvenile Justice; Department of Agriculture and Consumer Services; Public Defenders; "National Child Protection Act"

Amends provisions of F.S. 934.053 regarding the dissemination of criminal history record information by the Florida Department of Law Enforcement. Establishes per record fees for accessing Florida criminal history information. The fee for public and non-criminal justice agency criminal history record checks is set at \$23 per record, except as otherwise provided. A fee of \$8 per record is authorized for Department of Children and Family Services, Department of Elderly Affairs, and Department of Juvenile Justice criminal history checks. The fee for checks required by law to be done by the Department of Agriculture and Consumer Services is \$15 and, as prescribed in by federal law, an \$18 fee is provided for requests for checks on volunteers made pursuant to the "National Child Protection Act." The law also provides that state Public Defenders will not be charged for Florida criminal history record checks. **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003A/Senate/bills/billtext/pdf/s0010Aer.pdf>

Senate Bill 26-A (Ch. 2003-xxx): Drivers' Licenses; Identification Cards; Fees; Department of Highway Safety and Motor Vehicles

Revises F.S. 318.15(2), concerning failure to comply with civil penalty or failure to appear for traffic-related violations, and a number of sections of F.S. Chapter 322 governing drivers' license and identification card provisions. The bill increases the fees that are paid to the Department of Highway Safety and Motor Vehicles in the affected sections of law. **Effective Date: October 1, 2003.**

<http://www.flsenate.gov/data/session/2003A/Senate/bills/billtext/pdf/s0026Aer.pdf>

Senate Bill 32-A (Ch. 2003-xxx): "Florida Motor Vehicle Insurance Affordability Reform Act"; PIP Insurance; Public Records; Victims; Police Reports; Crash Reports; Commercial Solicitation; "Health Care Clinic Act"; Agency for Health Care Administration; Injunctions; Sentencing; Fraud; Insurance Claims; Insurance Cards; Crimes and Penalties

In recognizing the problems that have developed since 1971 with the "no-fault" insurance laws and the increased cost of motor vehicle insurance, especially relating to PIP insurance, this 78-page bill makes changes to a number of areas of law to address the problem. Revises F.S. 119.105 in the public records law concerning the protection of victims of crimes or accidents by limiting the disclosure of information in such reports so that the information may not be used to solicit business from victims. Amends F.S. 316.066 concerning the access to and release of information in crash reports to protect against commercial

solicitation of victims by creating new procedures and a third-degree felony for using confidential information in violation of the new procedures. New language in F.S. Chapter 400, the "Health Care Clinic Act," creates duties for the Agency for Health Care Administration and procedures governing such businesses. There are second and third-degree felonies established in these new sections of law and injunctions may also be entered for improper actions by the businesses. New felony offenses, including improper solicitation of persons involved in vehicle crashes, and mandatory minimum sentences are created in revised F.S. 817.234 governing false and fraudulent insurance claims. The penalty for making a false and fraudulent motor vehicle insurance application in F.S. 817.236 was increased from a first-degree misdemeanor to a third-degree felony. Also establishes a third-degree felony for creating, marketing, or presenting a false or fraudulent motor vehicle insurance card in F.S. 817.2361. **Effective Date: October 1, 2003, except as bill provides otherwise.**

<http://www.flsenate.gov/data/session/2003A/Senate/bills/billtext/pdf/s0032Aer.pdf>

Senate Bill 50-A (Ch. 2003-xxx): Workers' Compensation; Employers and Employees; Insurance Fraud; Business Solicitation; Crimes and Penalties

This 202-page bill changes a number of sections in F.S. Chapter 440 and other sections of law that concern workers' compensation issues. Violations by an employer of F.S. 440.105(2) have been increased from a second-degree to a first-degree misdemeanor. New first-degree misdemeanor offenses have been created for employers in F.S. 440.105(3) and new third-degree felony insurance fraud violations are created in F.S. 440.105(4)(b). Violation of F.S. 440.105(5) governing unlawful solicitation of business in and about hospitals and other specified locations has been increased from a third-degree to a second-degree felony. The penalty relating to fraud reports in F.S. 440.1051 was increased from a first-degree misdemeanor to a third-degree felony. Revisions to F.S. 440.381(2) make it a second-degree felony to submit an application for workers' compensation coverage when the application contains false, misleading, or incomplete information for the purpose of avoiding or reducing the amount of premiums that must be paid. **On January 1, 2004**, there are a number of sections of the bill that go into law. For example, the liability for compensation provisions in F.S. 440.10 will require employers who have employees working in Florida to obtain Florida workers' compensation coverage. Failure to do so is a second-degree felony. **Effective Date: October 1, 2003, except as bill provides otherwise.**

<http://www.flsenate.gov/data/session/2003A/Senate/bills/billtext/pdf/s0050Aer.pdf>

House Bill 63-A (Ch. 2003-xxx): "Florida Clean Indoor Air Act"; Smoking; Department of Health; Department of Business and Professional Regulation; Stand-Alone Bars; Crimes and Penalties

This 22-page bill enacts the changes that were required to be made to the "Florida Clean Indoor Air Act" in F.S. Chapter 386 by the creation of Article X, Section 20 of the Florida Constitution in the November, 2002 election. Included are a number

of new definitions, including “enclosed indoor workplace” and it is a violation of F.S. 386.204 for a person to smoke in such a defined area that includes specific exceptions. The Department of Health and the Department of Business and Professional Regulation are given the duties of enforcing the law. Penalties for violating the law can include fines or administrative sanctions. The bill also creates F.S. 561.695 that regulates enforcement provisions concerning “stand-alone bars.” **Effective Date: July 1, 2003.**

<http://www.flsenate.gov/data/session/2003A/House/bills/billtext/pdf/h0063Aer.pdf>

House Bill 113-A (Ch. 2003-xxx): Judicial System; Courts; Counties and Municipalities; Drug Courts; Court Costs; Indigent Defendants; Witnesses; Teen Courts; Sheriffs; Law Enforcement Agencies; Clerk of Court; Attorney’s Fees; Reimbursement; Repeal; State Attorneys; Public Defenders; Crimes and Penalties

This 208-page bill makes changes to a great number of sections of law concerning the Florida judicial system as was mandated by the voters in November, 1998 in revising Article V of the Florida Constitution to shift court expenses from the state to local governments. The provisions in F.S. 938.27 concerning judgments for costs of conviction have been revised by specifying that a convicted person is liable for payment of all documented costs of prosecution if requested by the affected agencies. The court is required to order the defendant to pay verifiable costs that must be collected and dispensed by the Clerk of Court. In similar fashion, the laws in F.S. 938.29 concerning the lien for a defendant’s payment of attorney’s fees or costs have also been revised. **On July 1, 2004**, there are a number of sections of the bill that go into law. The following are summaries of some of the revisions that become effective on that date. Changes to F.S. 397.334 require that if a county wants to establish or administer a treatment-based drug court, it must secure funding from sources other than the state. Revisions to F.S. 775.083 add the requirement of paying court costs in addition to fines imposed for convictions of offenses. Under changes to F.S. 914.11, a qualifying “indigent defendant” may ask that his costs of procuring witnesses for trial be deferred. In revised F.S. 938.19 counties are authorized to fund teen courts but no specifics concerning how this may be done are included in the revisions. Finally, there are a number of sections of law regarding state attorneys, public defenders, and payment of witnesses that are repealed on the same date. **Effective Date: July 1, 2003, except as bill provides otherwise.**

<http://www.flsenate.gov/data/session/2003A/House/bills/billtext/pdf/h0113Aer.pdf>

House Bill 143-A (Ch. 2003-xxx): “Dr. Marvin Davies Florida Civil Rights Act”; Attorney General; “Florida Civil Rights Act of 1992”; Civil Action; Injunction; Discrimination; Public Accommodations; Crimes and Penalties

In amending the “Florida Civil Rights Act of 1992”, this bill creates F.S. 760.021 that allows the Attorney General to file a civil action for damages, injunctive relief, civil penalties, and other appropriate relief if the Attorney General has

reasonable cause to believe that any person or group has engaged in a pattern of discrimination or has been discriminated against that raises an issue of great public interest. Also creates a definition of “public accommodations” in F.S. 760.02(11) as places of public accommodation, lodgings, facilities principally engaged in selling food for consumption on premises, gasoline station, and places of exhibition or entertainment. New F.S. 760.08 prohibits discrimination in places of public accommodation, noting that all persons are entitled, without discrimination or segregation on the grounds of race, color, national origin, sex, handicap, familial status, or religion, to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation. **Effective Date: June 18, 2003.**

<http://www.flsenate.gov/data/session/2003A/House/bills/billtext/pdf/h0143Aer.pdf>

EFFECTIVE DATES OF 2003 LAWS

2003 REGULAR SESSION AND 2003 SPECIAL SESSION "A"
Bills/Chapters Marked With An Asterisk (*) Have Multiple Effective Dates
Please See Summaries for Details

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HB 75 (2003-xxx)	SB 1182 (2003-16)	HB 1911 (2003-xxx)
SB 160 (2003-10)	HB 1227 (2003-82)	SB 1944 (2003-xxx)
SB 340 (2003-88)	SB 1318 (2003-xxx)	SB 2238 (2003-xxx)
HB 453 (2003-157)	SB 1426* (2003-125*)	SB 2366 (2003-130)
SB 482 (2003-30)	SB 1442 (2003-127]	SB 2388 (2003-151)
SB 488 (2003-63)	HB 1453 (2003-xxx)	SB 2404 (2003-xxx)
SB 676* (2003-xxx*)	SB 1616 (2003-96)	SB 2462 (2003-132)
SB 684 (2003-68)	SB 1650 (2003-xxx)	SB 2488 [2003-153]
HB 835 (2003-58)	HB 1717 (2003-xxx)	SB 2568 [2003-57]
HB 947 (2003-54)	HB 1763 (2003-xxx)	SB 2708 [2003-xxx]
HB 1031 (2003-104)	HB 1833 (2003-xxx)	HB 143-A (2003-xxx)
SB 1046 (2003-92)		

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SB 90 (2003-xxx)	HB 1059 (2003-xxx)	SB 1694 (2003-148)
SB 144 (2003-114)	SB 1072 (2003-71)	SB 1822 (2003-xxx)
SB 174 (2003-59)	SB 1080 (2003-15)	SB 1856 (2003-149)
SB 192 (2003-13)	SB 1176* (2003-xxx*)	SB 1992 (2003-51)
SB 260 (2003-28)	SB 1218 (2003-xxx)	SB 2002 (2003-xxx)
SB 428 (2003-142)	SB 1232 (2003-35)	SB 2084 (2003-41)
HB 439 (2003-53)	SB 1434 (2003-126)	SB 2172 (2003-115)
SB 530 (2003-46)	SB 1454 (2003-146)	SB 2312* (2003-155*)
HB 561 (2003-117)	SB 1480 (2003-50)	SB 2520 (2003-20)
SB 614 (2003-90)	HB 1579 (2003-xxx)	SB 2586 (2003-156)
SB 738 (2003-69)	SB 1588 (2003-95)	SB 10-A (2003-xxx)
HB 761 (2003-xxx)	SB 1648 (2003-18)	HB 63-A (2003-xxx)
HB 945 (2003-xxx)	HB 1675 (2003-84)	HB 113-A* (2003-xxx*)

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SB 278 (2003-141)	HB 1037 (2003-xxx)	SB 26-A (2003-xxx)
HB 479 (2003-23)	SB 1448* (2003-36*)	SB 32-A* (2003-xxx*)
HB 747 (2003-116)	HB 1591 (2003-109)	SB 50-A* (2003-xxx*)
HB 847 (2003-158)	HB 1719* (2003-xxx*)	

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SB 50-A* [2003-xxx*] -1/1/04	HB 953 (2003-24)- 7/1/04	HB 113-A (2003-xxx*) -7/1/04

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