

**2014 LEGISLATIVE SUMMARY  
LAWS OF INTEREST TO FLORIDA LAW ENFORCEMENT**

**NOTE: Not all of the summarized bills have been signed into law yet. Bills that have not been acted upon as of the date of this Summary are shown with "zzz" as the Chapter number. Please continue to check this Summary on the FDLE website. A final version will be posted after action for all of the summarized bills has been completed which will include an index to help you locate laws by subject, a table to help you cross-reference bill numbers to their chapter law numbers, and indications of the laws' effective dates.**

This Legal Bulletin contains brief summaries of most laws of interest to the Florida law enforcement community that were passed during the regular session of the 2014 Florida Legislature. The Legislative Summary is posted on the General Counsel portion of FDLE's Internet web site, which may be found at: <http://www.fdle.state.fl.us/ogc>. We have not discussed every element of every summarized law. Since this document contains only summaries, you should read the entire content of any law in which you have particular interest by clicking the hyperlink addresses as further explained below.

This year's Summary is the product of the combined efforts of many within the FDLE Office of General Counsel. The Summary includes Internet hyperlinks to the text of the bills. If you access our Summary via the Internet, you can link to the bills directly. If you have a printed copy of the Summary, copy and paste the link into your internet browser to access a bill. Some laws of interest to you may have been omitted. *Do not rely solely on our summary for a complete understanding of any bill or the 2014 Session.* Law enforcement officers should check with their chain of command and agency legal advisors to determine the effect specific legislation may have upon agency operations.

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Legislative information, including copies of the laws as passed may be accessed on the Florida Legislature's web site (<http://www.leg.state.fl.us>). Select the bill versions ending in "er" and the greatest numeral, which is the "enrolled" version sent to the Governor. *Those without Internet access may obtain printed copies of laws as passed from:*

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

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

FLORIDA DEPARTMENT OF LAW ENFORCEMENT  
OFFICE OF GENERAL COUNSEL



2014 LEGISLATIVE SUMMARY

**House Bill 41 (Ch. 2014-zzz): Law Enforcement Officers' Hall of Fame; Florida Department of Law Enforcement**

This bill creates F.S. 265.004, which mandates the establishment of the Florida Law Enforcement Officers' Hall of Fame, which is to be located on the Plaza Level of the Florida Capitol Building. FDLE shall annually accept nominations of law enforcement officers to be considered for induction into the Florida Law Enforcement Officers' Hall of Fame from The Florida Police Chiefs Association, the Florida Sheriffs Association, the Florida Police Benevolent Association, the Fraternal Order of Police, and the State Law Enforcement Chiefs' Association. Each association may submit up to three nominations annually. FDLE will transmit a list not exceeding ten nominees to the Governor and Cabinet, who will select up to five inductees. FDLE is given authority to adopt rules in order to implement the new statute. *Effective Date: October 1, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/0041/BillText/er/PDF>

**House Bill 47 (Ch. 2014-107): Spiny Lobster; Florida Fish and Wildlife Commission; Sentencing; Crimes and Penalties**

This bill creates penalties for taking spiny lobster tails out of season or without regard to Florida Fish and Wildlife Commission rule. Persons, firms, or corporations are forbidden to be in possession of spiny lobster tails that have been wrung or separated from the lobster's body out of season or without regard to Commission rule. First violations are a second-degree misdemeanor, unless more than 25 lobsters have been taken, in which case the act would be classified as a first-degree misdemeanor. A second violation is a first-degree misdemeanor and the subject is liable for suspension of all license privileges granted by the Commission under Chapter 379 for a period not to exceed 90 days. A third violation is a first-degree misdemeanor with a minimum mandatory term of imprisonment of six months as well as the possibility of a civil penalty of up to \$2500 and the suspension of all license privileges granted by the Commission under Chapter 379 for a period not to exceed six months. A third violation within one year after a second violation is a third-degree felony with a minimum mandatory term of imprisonment of one year and the civil penalty of \$5000 and all license privileges granted by the Commission under Chapter 379 permanently revoked. A fourth or subsequent violation is a third-degree felony with a mandatory term of imprisonment of one year, a civil penalty of \$5000 and all license privileges granted by the Commission under Chapter 379 permanently revoked. The bill further clarifies penalties with regard to prohibiting the sale, purchase,

harvest, or attempted harvest of any saltwater product with intent to sell. *Effective Date: July 1, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/0047/BillText/er/PDF>

**House Bill 59 (Ch. 2014-zzz): "Florida Unborn Victims of Violence Act"; Unborn Child; Crimes and Penalties; Sentencing; Driving Under the Influence (DUI); Manslaughter; Homicide; Courts**

This bill amends F.S. 775.021 to create a separate offense when a person commits a crime that causes death or bodily injury to an unborn child, provided the crime does not already provide a separate offense for such death or injury to the unborn child. "Unborn child" is defined in the bill to include a human being at any stage of development who is carried in the womb. The separate offense does not require proof that the offender intended to cause death or bodily injury to the unborn child or knew or should have known the victim was pregnant. The bill specifies that the punishment for the separate offense is the same as if the injury or death had occurred to the mother of the unborn child. Abortion and medical treatment are excluded from the separate offense. The bill also amends DUI manslaughter and vehicular manslaughter under F.S. 316.193 and F.S. 782.071 to include causing the death of an unborn child. The bill amends F.S. 782.09 regarding the killing of an unborn child by injury to the mother to incorporate the new definition of "unborn child." *Effective Date: October 1, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/0059/BillText/er/PDF>

**House Bill 89 (Ch. 2014-zzz): Threatened Use of Force; Use of Force; Stand Your Ground; Crimes and Penalties; Enhanced Criminal Penalties; Firearms; Sentencing; Law Enforcement Officers; Civil Actions/Damages/Liability; Expunction; Department of Law Enforcement; State Attorney; Courts**

This bill expands F.S. 776.012 to authorize a person to threaten another person with the use of force in self-defense or in defense of another person. A person threatening to use non-deadly force must reasonably believe it is necessary in order to defend against the other person's imminent use of unlawful force. A person using or threatening to use non-deadly force in self-defense, or in defense of another person, has no duty to retreat prior to using force or threatening to use force. A person may threaten to use deadly force in self-defense or defense of another person. The person threatening to use deadly force must reasonably believe that it is necessary to prevent imminent death or great bodily harm or to prevent the imminent commission of a forcible felony. A person who uses or threatens to use deadly force in self-defense or in defense of another person has the right to stand his or her ground, provided the person using or threatening to use deadly force is not engaged in criminal activity and is in a place where he or she has a right to be. The bill also amends F.S. 776.013 to authorize a person to threaten to use deadly force against a person unlawfully and forcefully entering a dwelling, residence, or occupied vehicle. A person may also threaten to use deadly force to prevent that person from removing another person against that person's will from the dwelling or vehicle. The exceptions to lawful threats to use deadly force include a provision that a person may not threaten a law enforcement officer acting in the performance of duty with deadly force. A person is not justified in the use or threatened use of force to resist an arrest by a law enforcement officer. The bill also amends F.S. 776.031 to permit a person to threaten to use non-deadly force in defense of property. A person using or threatening to use non-deadly force in defense of property has no duty to retreat prior to using force or threatening to

use force. The bill amends F.S. 776.032 to provide for criminal and civil immunity for persons who threaten to use force in conformance with the bill. The bill creates F.S. 776.09 and specifies that a criminal defendant whose charges are dismissed on the grounds of lawful self-defense may apply to have the record expunged. The bill amends F.S. 943.0585 to provide that such a person may have his record expunged notwithstanding a prior criminal record or a prior sealing or expunction of a criminal history record. A person who knowingly provides false information on a sworn petition to expunge to a court commits a third-degree felony. The bill adds a new subsection to F.S. 775.087 which bars a sentencing judge from imposing a minimum mandatory prison term, otherwise applicable for possession or discharge of a firearm during the commission of an aggravated assault, if the court finds the defendant had a good faith belief that the aggravated assault was a justifiable use of force, did not threaten to use force in the course of committing another criminal offense, did not pose a threat to public safety and the totality of the circumstances involved in the offense do not justify the imposition of such sentence. **Effective Date: June 20, 2014.**

<http://www.flsenate.gov/Session/Bill/2014/0089/BillText/er/PDF>

**Senate Bill 102 (Ch. 2014-zzz ): Aaron Cohen Life Protection Act; Leaving the Scene; Accident; Vulnerable Road User; Serious Bodily Injury; Driver License; Minimum Mandatory; Crimes and Penalties; Department of Highway Safety and Motor Vehicles; Sentencing**

This bill increases penalties related to leaving the scene of an accident. The bill provides a new definition for "serious bodily injury," and "vulnerable road user." The bill increases the penalty for the offense of leaving the scene of an accident with serious bodily injury from a third-degree felony to a second-degree felony. The bill also provides a minimum mandatory sentence of four years for the offense of leaving the scene of an accident with a death, and increases the minimum mandatory sentence for leaving the scene of an accident with death while driving under the influence from two years to four years. Any person convicted of leaving the scene of an accident with an injury, serious bodily injury, or death is subject to a three-year driver license revocation. **Effective Date: July 1, 2014.**

<http://www.flsenate.gov/Session/Bill/2014/0102/BillText/er/PDF>

**House Bill 117 (Ch. 2014-28): Marvin V. Clayton Police Officers Pension Trust Fund Act; Retirement; Counties/Municipalities; Government; Pension; Retirement; Law Enforcement Officers; Public Retirement Plans**

This bill amends F.S. 185.03 to allow single consolidated governments consisting of a former county and one or more municipalities to be eligible for the Municipal Police Officers' Retirement Trust Fund. **Effective Date: July 1, 2014.**

<http://www.flsenate.gov/Session/Bill/2014/0117/BillText/er/PDF>

**Senate Bill 156 (Ch. 2014-6): Motor Vehicles; License Plates; Florida Real Time Vehicle Identification System**

This bill reduces the amount of additional registration fees used to fund the Florida Real Time Vehicle Identification System. It further reduces the service charge on an application for original or duplicate license plate, certificate, or sticker and reduces the fee for retroreflection treatment on decals to \$.50 for each decal. This bill negates the \$.80 fee increase in the

replacement fee and redistributes how the fees are disseminated to the State Transportation Trust Fund, the Highway Safety Operating Trust Fund, and the General Revenue Fund. This bill lowers certain fees for registration of motorcycles, mopeds, automobiles, and certain trucks. This bill imposes a surcharge on the license tax for various registrations which shall be deposited in the State Transportation Trust Fund and the Highway Safety Operating Trust Fund. The bill further provides for a surcharge on the license tax which shall be deposited into the Grants and Donations Trust Fund in the Department of Juvenile Justice. The bill provides for elected officers to have their plates replaced without charge after leaving office if they apply within 30 days. The bill provides that no changes made by it create a right to any refund of any fees collected prior to the effective date of the bill for biennial registration of a motor vehicle. **Effective Date: September 1, 2014.**

<http://www.flsenate.gov/Session/Bill/2014/0156/BillText/er/PDF>

**House Bill 177 (Ch. 2014-zzz): Utility Services; E911; Telephones; Public Records; Confidential and Exempt Records**

This bill provides wireless providers with the protection for their proprietary and confidential business information. This bill includes pre-paid wireless providers and provides that their information be treated the same as other wireless providers subject to the E911 network. Such proprietary and confidential business information provided to the Department of Revenue as an agent of the E911 Board by wireless providers, whether pre-paid or not, is confidential and exempt from public records release under the provisions of F.S. 119.07(1). **Effective Date: June 20, 2014.**

<http://www.flsenate.gov/Session/Bill/2014/0177/BillText/er/PDF>

**Senate Bill 224 (Ch. 2014-65): Tobacco and Nicotine Product Regulation and Sales; E-Cigarettes; Driver Licenses, Crimes and Penalties**

This bill amends F.S. 322.056 regarding mandatory driver license revocation, F.S. 569.14, governing notice and signage relating to tobacco products, and creates F.S. 877.112, which will prohibit the sale, gifting, possession, or use of nicotine dispensing devices, to include electronic cigarettes (e-cigarettes), to and by persons under the age of 18. A repeat violation is increased from a second-degree misdemeanor to a first-degree misdemeanor. The bill also provides for affirmative defenses. The term "nicotine dispensing devices" is defined as any product that can be used to deliver nicotine to an individual by inhaling vaporized nicotine from the product, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product and any replacement nicotine cartridge for the device or product. **Effective Date: July 1, 2014.**

<http://www.flsenate.gov/Session/Bill/2014/0224/BillText/er/PDF>

**House Bill 225 (Ch. 2014-zzz): Child Seats; Transportation; Minors; Motor Vehicles; Traffic Infractions**

This bill amends F.S. 316.613 by adding child booster seats to the list of types of acceptable child restraint devices required for children aged 4 through 5 to ride in a motor vehicle. The bill specifies that 4 and 5-year-old children may be restrained with only a seat belt when the child is being transported gratuitously by an operator who is not a member of the child's immediate family or is being transported in a medical emergency involving the child, or the child has a

medical condition which necessitates an exception to the child restraint devices requirement, as evidenced by documentation from a health care professional. Violation of this provision is a civil infraction. *Effective Date: January 1, 2015.*

<http://www.flsenate.gov/Session/Bill/2014/0225/BillText/er/PDF>

**Senate Bill 226 (Ch. 2014-zzz): Public Records; Automated License Plate Recognition Systems; Confidential and Exempt Records**

This bill creates F.S. 316.0777, and provides an exemption from Florida Public Records law for personal identifying information of an individual in data generated or resulting from images obtained through the use of an automated license plate recognition system, as defined in the bill. Exceptions are provided for a criminal justice agency in the performance of the agency's official duties, as well as an exception that such information may be disclosed to the individual to whom the license plate is registered, except when such information is subject to exemption as active criminal investigation or active criminal intelligence information. This public records exemption applies to covered information held by agencies before, on or after the effective date of this exemption. *Effective Date: July 1, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/0226/BillText/er/PDF>

**Senate Bill 256 (Ch. 2014-67): Public Records; Forensic Behavioral Health Evaluation; Courts**

This bill creates F.S. 916.1065, which defines a "forensic behavioral health evaluation" as any record, including supporting documentation, derived from a competency, substance abuse, psychosexual, psychological, psychiatric, psychosocial, cognitive impairment, sanity, or other mental health evaluation of an individual. The statute creates a public record exemption for forensic behavioral health evaluations which are filed with a court. This exemption applies to forensic behavioral health evaluations filed with a court before, on, or after July 1, 2014. *Effective Date: July 1, 2014.*

<https://www.flsenate.gov/Session/Bill/2014/0256/BillText/er/PDF>

**Senate Bill 308 (Ch. 2014-69): Agencies; Department of Financial Services; Public Assistance Fraud; Investigations; Oaths and Affirmations; Subpoenas**

This bill amends F.S. 414.411 to allow Department of Financial Services (DFS) public assistance fraud investigators to administer oaths and affirmations, and to issue and serve subpoenas. *Effective Date: July 1, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/0308/BillText/er/PDF>

**Senate Bill 320 (Ch. 2014-70): Parasailing; Vessels; Insurance; Agencies; Office of Insurance Regulation; U.S. Coast Guard; Crimes and Penalties**

This bill amends F.S. 327.02 to define "commercial parasailing" and to specifically exclude ultralight glider towing covered by 14 C.F.R. Part 103. The bill defines kite boarding or kite surfing and defines "moored ballooning" and "sustained wind speed." The bill amends F.S. 327.37 and prohibits operation of a vessel engaged in parasailing or moored ballooning within 100 feet of a channel marker in the Florida Intracoastal Waterway or within two miles of the

boundary of any airport unless otherwise permitted under federal law. It also amends the statute to forbid kite boarding or kite surfing in an area extending one mile in a direct line along the centerline of any airport runway and that has a width measuring one-half mile unless otherwise permitted by federal law. The bill creates F.S. 327.375, to ensure operators of commercial parasailing operations comply with specified provisions. Owners or operators of vessels engaged in commercial parasailing may not operate without insurance in effect. Such insurance must be approved by the Office of Insurance Regulation or an eligible surplus lines insurer. The insurance must provide bodily injury liability coverage in the amounts of at least one million dollars per occurrence and two million annual aggregate. Owners and operators must maintain proof of insurance at the location where they operate. Operators of vessels engaged in commercial parasailing must have a valid license issued by the U.S. Coast Guard authorizing the carrying of passengers for hire. Vessels used in commercial parasailing must have a functional VHF marine transceiver and a separate electronic device to give access to the National Weather Service forecasts and current weather conditions. Commercial parasailing is prohibited when wind conditions are sustained at 20 m.p.h. or higher or if wind gusts are 15 m.p.h. higher than the sustained wind speed, if the wind gusts exceed 25 m.p.h., if rain or heavy fog reduces visibility to less than one-half mile, or if a known lightning storm comes within seven miles of the parasailing area. Violation of these provisions is a second-degree misdemeanor. **Effective Date: October 1, 2014.**

<http://www.flSenate.gov/Session/Bill/2014/0320/BillText/er/PDF>

<b>Senate Bill 360 (Ch. 2014-zzz): Controlled Substances; Hydrocodone; Oxycodone Drug Trafficking; Courts; Sentencing; Crimes and Penalties</b>
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This bill increases the minimum weight threshold from 4 to 14 grams for trafficking in hydrocodone under the drug trafficking statute, F.S. 893.135. It increases the minimum weight threshold for trafficking in oxycodone from 4 to 7 grams. Under the bill, persons who unlawfully possess, sell, purchase, manufacture, deliver or bring into the state less than 14 grams of hydrocodone or less than 7 grams for oxycodone will no longer be subject to charging under the drug trafficking statute or its minimum mandatory sentencing provisions. The bill also amends F.S. 893.135 to create the new offenses of trafficking in oxycodone and trafficking in hydrocodone. This new trafficking provision applies to a person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of 14 grams or more of hydrocodone, or 14 grams or more of any mixture containing hydrocodone. Under the bill, the minimum mandatory penalty for persons convicted of trafficking in hydrocodone is: 14 grams or more, but less than 28 grams, 3 years imprisonment and \$50,000 fine; 28 grams or more, but less than 50 grams, 7 years and a \$100,000 fine; 50 grams or more, but less than 200 grams, 15 years and a \$500,000 fine; and 200 grams or more, but less than 30 kilograms, 25 years and a \$750,000 fine. The minimum mandatory penalties under the new oxycodone trafficking provisions are: 7 grams or more, but less than 14 grams, 3 years imprisonment and a \$50,000 fine; 14 grams or more, but less than 25 grams, 7 years and a \$100,000 fine; 25 grams or more, but less than 100 grams, 15 years and a \$500,000 fine; 100 grams or more, but less than 30 kilograms, 25 years and a \$750,000 fine. The trafficking penalties for quantities of oxycodone and hydrocodone in excess of 30 kilograms were not amended. **Effective Date: July 1, 2014.**

<http://www.flSenate.gov/Session/Bill/2014/0360/BillText/er/PDF>

**Senate Bill 366 (Ch. 2014-zzz): Public Records; Trade Secrets; Computers; Electronic Devices; Agencies; Counties/Municipalities**

This bill amends F.S. 815.04(3) to add protections for trade secret information held on electronic devices. Data, programs, or supporting documentation which is a trade secret held by an agency, as defined by F.S. 119.011(2), which resides or exists internal or external to an electronic device is confidential and exempt from disclosure under Florida public records law. Trade secrets are currently defined in F.S. 812.081(1)(c). "Electronic devices" include devices that are capable of communicating across a computer network with other computers or devices for the purpose of transmitting, receiving, or storing data, including cellular telephones, tablets, or other portable devices designed for and capable of communicating with or across a computer network and that are actually used for such purpose. *Effective Date: October 1, 2014*

<http://www.flsenate.gov/Session/Bill/2014/0366/BillText/er/PDF>

**Senate Bill 358 (Ch. 2014-9): Athletic Coaches; Youth Athletic Teams; Background Screening; Florida Department of Law Enforcement**

This bill amends F.S. 943.0438, to require youth athletic team independent sanctioning authorities to conduct background checks for athletic coaches and other personnel involved with youth athletic teams. The amendment adds the specific requirement that the background checks shall be a "level 1" background screening, as defined in F.S. 435.03. This includes, among other requirements, a statewide criminal check through the Florida Department of Law Enforcement. Additionally, the bill expands the definition of "athletic coach" to include those who work as a "coach, assistant coach, or referee." *Effective Date: July 1, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/0358/BillText/er/PDF>

**House Bill 409 (Ch. 2014-zzz): Offenses Against Vulnerable Persons; Personal Identification Information; Florida Department of Law Enforcement; State Attorney; Public Defender; Exploitation; Identity Theft and Fraud Grant Program; Crimes and Penalties**

This bill amends a number of provisions regarding offenses against vulnerable persons. The bill provides for a new second-degree felony for the fraudulent use of personal identification information of persons 60 years of age or older. The bill also creates a similar second-degree felony offense for persons in a custodial role over persons 60 years or older. The bill also creates a second-degree felony offense for fraudulently using personal identification information of persons 60 years or older, disabled adults, public servants, first responders, and state and federal employees. A violation of any of these offenses also results in a \$1,001 surcharge, a \$500 deposit from the surcharge to the Department of Law Enforcement Operating Trust Fund, \$250 into the Public Defenders Revenue Trust Fund, and \$250 to the State Attorneys Revenue Trust Fund. The bill removes any requirement that deception or intimidation be used in illicit activity under the provisions. The bill also provides that any inter vivos transfer of property valued over \$10,000, by a person 65 years of age or older, to a non-relative whom the transferor has known for fewer than 2 years before the first transfer, without equitable compensation, creates a permissive presumption of exploitation. Finally, the bill creates the Identity Theft and Fraud Grant Program within the Department of Law Enforcement to award grants and support local law enforcement agencies in the investigation and enforcement of personal identification information theft and fraud. *Effective Date: October 1, 2014.*



<http://www.flsenate.gov/Session/Bill/2014/0409/BillText/er/PDF>

**House Bill 413 (Ch. 2014-116): Consumer Collection Practices; Financial Services Commission; Office of Financial Regulation; Agency Investigations; Florida Department of Law Enforcement**

This bill pertains to consumer debt collection practices, and amends and creates multiple statutes. The bill creates F.S. 559.554, giving investigative power to the Office of Financial Regulation of the Financial Services Commission to verify applications to become a registered debt collector and providing administrative sanctions. Under the bill, the Office of Financial Regulation is authorized to conduct examinations and investigations to determine whether a person has violated rules. A person who acts as a consumer collection agency must submit to an FDLE state criminal history background check in addition to a national criminal history background check through the FBI, and also must provide live-scan fingerprints to FDLE, which in turn must be entered into the statewide automated biometric identification system. *Effective Date: October 1, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/0413/BillText/er/PDF>

**House Bill 415 (Ch. 2014-117): Public Records; Confidential and Exempt Records; Agencies; Office of Financial Regulation; Financial Services Commission**

This bill creates F.S. 559.5558 and creates exemptions from public records law for information relating to the existence, nature, source, or amount of a consumer's personal income, expenses, debt, or financial transactions of any kind. It further creates a public records exemption for information relating to the existence, identification, nature, or value of a consumer's assets, liabilities, net worth and health information, including health history. Information held by the Office of Financial Regulation pursuant to an investigation or examination of a violation of the statute is confidential and exempt except as needed to be disclosed to law enforcement or administrative agencies in the performance of official duties and responsibilities. Information held by the Office is no longer confidential and exempt once the investigation or examination is completed or ceases to be active unless the disclosure would jeopardize another active investigation or examination or reveal the personal identifying information of a consumer, unless the consumer is also the complainant. A complainant's personal identifying information is subject to disclosure after the investigation or examination is completed or ceases to be active, but the complainant's personal financial and health information remains confidential and exempt. Information remains confidential and exempt if it would reveal the identity of a confidential source, reveal investigative or examination techniques or procedures, or reveal trade secrets as defined in F.S. 688.002. Active investigations or examinations are those which are proceeding with reasonable dispatch and the Office has a reasonable good faith belief that the investigation or examination may lead to the filing of administrative, civil, or criminal proceedings, or to the denial or conditional grant of an application for registration or other approval required under this section. The section is subject to review under the Sunset Review Act and will be repealed October 2, 2019, unless reenacted by the Legislature. *Effective Date: October 1, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/0415/BillText/er/PDF>

**House Bill 427 (Ch. 2014-zzz): Burglary; Theft; Crimes and Penalties**

This bill creates F.S. 843.22, which provides enhanced penalties for persons who travel across a county line with the intent to commit a burglary in a county other than the person's county of residence. The degree of the burglary charge shall be reclassified to the next higher degree if the purpose of the person's travel is to thwart law enforcement attempts to track the items stolen in the burglary. This statute also affects sentencing guidelines under Chapter 921 and determination of incentive gain-time eligibility under Chapter 944. This bill also amends F.S. 903.046 regarding criteria for bail determination, adding language to state that a person charged under F.S. 843.22 is not eligible for release on bail or surety bond prior to the person's first appearance before a judge. *Effective Date: October 1, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/0427/BillText/er/PDF>

**House Bill 485 (Ch. 2014-zzz): The "Stop Harassing Underage Teens Act"; Sexual Offenses; Minors; Schools; Crimes and Penalties**

This bill creates F.S. 775.0862 and amends F.S. 921.0022, to provide an enhanced classification of sentencing penalties for sexual offenses committed against students under 18 by an authority figure who is employed, volunteering or under contract with a school. *Effective Date: October 1, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/0485/BillText/er/PDF>

**House Bill 515 (Ch. 2014-119): Public Assistance Fraud; Rewards; Crimes and Penalties**

This bill revises F.S. 414.39, to provide for enhanced criminal penalties for public assistance fraud if the amount of the assistance wrongfully received is of an aggregate value of \$20,000 or more but less than \$100,000 in any 12 consecutive months. Such activity is a second-degree felony. The bill provides for payment of a reward to a person who reports original information relating to a violation of the public assistance fraud laws of the state if the information is made to a named state agency, relates to criminal fraud in a public assistance program or criminal violation of public assistance fraud laws by another person and leads to the recovery of a fine, penalty, or forfeiture of property. The reward may not exceed ten percent of the amount recovered or \$500,000, whichever is less in a single case. Persons receiving rewards under this section are not eligible to receive funds pursuant to the Florida False Claims Act for Medicaid Fraud for which the reward was received. Use of Temporary Assistance for Needy Families (TANF) moneys out-of-state is limited to 30 consecutive days or such benefits shall be terminated. If a parent or caretaker is disqualified because of fraud, they must designate a protective payee to receive funds for the child or children. Protective payees cannot have been disqualified for fraud. If, in a two parent household, only one parent is disqualified, the other parent may be designated. The requirements for a protective payee are the same as the requirements for designation of a protective payee for work sanctions in F.S. 414.065(2)(b). *Effective Date: October 1, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/0515/BillText/er/PDF>

**House Bill 517 (Ch. 2014-zzz): Fraudulent Prescriptions; Controlled Substances; Prescription Drugs/Prescriptions; Practitioners/Physicians; Crimes and Penalties**

This bill amends F.S. 893.13 to make it unlawful to possess a prescription form which is not signed by a practitioner or that is incomplete. The offense is also changed from a first-degree misdemeanor to a third-degree felony. *Effective Date: October 1, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/0517/BillText/er/PDF>

**Senate Bill 522 (Ch. 2014-02): Involuntary Civil Commitment of Sexually Violent Predators; Jimmy Ryce Act; Department of Corrections; Florida Department of Law Enforcement; Sheriffs**

This bill amends F.S. 394.912, 394.9125, 394.913, 394.9135, 394.914, 394.926, 394.932 and 943.053. The bill makes a number of changes to the Jimmy Ryce Act regarding definitions, the referral process by the state attorney, required notices by the State Attorney, the Department of Children and Families (DCF), and others. In part, the bill creates procedures that permit a state attorney to refer a person serving a sentence in county jail to DCF for civil commitment proceedings and it creates processes that provide for a person convicted of a sexually violent offense to be referred to DCF for civil commitment proceedings even after release from total confinement. The bill also makes a variety of changes to the Multidisciplinary Team's (MDT) assessment process including provisions that authorize consultation with law enforcement agencies and victim advocate groups during the assessment and evaluation process. The bill provides for both mandatory and discretionary filing factors that the state attorney considers in the filing of civil commitment proceedings. The bill requires DCF to notify victims, the Department of Corrections (DOC), the Florida Department of Law Enforcement (FDLE), and the sheriff of the release of all persons in the custody of DCF—not just those committed as Sexually Violent Predators (SVP). *Effective Date: July 1, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/0522/BillText/er/PDF>

**House Bill 523 (Ch. 2014-zzz): Concealed Firearms and Weapons; Licenses; Department of Agriculture and Consumer Services; Counties; County Tax Collector; Public Records; Confidential and Exempt Records; Crimes and Penalties**

This bill provides for the Department of Agriculture and Consumer Services to enter into a memorandum of understanding with county tax collectors that will permit tax collectors to accept concealed weapon or firearm applications on behalf of the Department's Division of Licensing at specified locations that best serve the public interest. Tax collectors must state with particularity the locations at which the tax collector wishes to accept applications along with any other information required by the Division. The Division may accept or decline the request of a tax collector to enter into a memorandum of understanding. The Department or the Division may rescind the memorandum of understanding at any time. This bill provides that the personal identifying information provided to the tax collector for this purpose is confidential and exempt pursuant to F.S. 790.0601. Tax collectors approved pursuant to this bill may collect and retain a convenience fee of \$22 for new applications and \$12 for renewal applications and shall remit weekly to the Department the license fees pursuant to F.S. 790.06, for deposit in the Division of Licensing Trust Fund. The tax collectors appointed under this section may not maintain a list or record of persons who apply for or are granted a new or renewal license to carry a concealed weapon or firearm. Any person who willfully violates this section commits a second-degree misdemeanor. *Effective Date: July 1, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/0523/BillText/er/PDF>

**Senate Bill 524 (Ch. 2014-03): Protecting Our Children from Sexual Predators Act; Department of Children and Families; Multi-Disciplinary Team; Sexually Violent Predator; Involuntary Civil Commitment; Florida Department of Law Enforcement**

This bill, "Protecting Our Children from Sexual Predators Act," amends F.S. 394.913, 1005.10, and creates F.S. 1006.695. This is a companion bill to SB 522 and amends F.S. 394.913, to require the Department of Children and Families (DCF) to provide training and meet specific requirements and procedures pertaining to the Multidisciplinary Team's evaluations and assessment of persons meeting the Sexually Violent Predator criteria. The bill requires DCF to maintain data and records on individual reviews and revises and limits Multidisciplinary Team independent contractor contracts to one-year terms, subject to renewal after an annual review. The bill also amends F.S. 1005.10 and creates F.S. 1006.695, to provide that public and private colleges and universities are to inform students and employees about the FDLE Sexual Offender and Predator web site and the toll-free number. *Effective Date: July 1, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/0524/BillText/er/PDF>

**House Bill 525 (Ch. 2014-zzz): Public Records; Confidential and Exempt Records; Personal Identifying Information; Licensure to Carry Concealed Weapon of Firearm; Firearms [companion to HB 523]**

This bill amends F.S. 790.0601 and provides that personal identifying information of individuals who have applied for a license to carry a concealed firearm through a tax collector is confidential and exempt from the Florida Public Records Law. This exemption applies to information held by the tax collector on, before, or after the effective date of this law. There is a provision for this law to be repealed on October 2, 2019, unless reenacted prior to that time. Information made confidential by the law may still be disclosed by court order upon showing of good cause, or upon request by a law enforcement agency in connection with the performance of lawful duties. *Effective Date: June 20, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/0525/BillText/er/PDF>

**Senate Bill 526 (Ch. 2014-4): Sexual Offenders and Sexual Predators; Sexual Battery; Victim and Witness Protections; Statute of Limitations: Lewd or Lascivious Offenses; Voyeurism; Sentencing; Crimes and Penalties**

This 82-page bill makes several amendments to laws concerning sexual offenses. The bill broadens F.S. 92.55, regarding the protection of victims and witnesses of sexual offenses to include those who are over 16 at the time of providing testimony, but were under 16 when they were victimized and/or witnessed the crime. This allows a judge to issue any order necessary to protect the victim/witness from severe emotional or mental harm due to the Defendant's presence in open court. Other changes include an extension of the statute of limitations for lewd or lascivious offenses, F.S. 800.04, in addition to making enhancement available for offenders under this section who have prior qualifying offenses. Regarding the crime of unlawful sexual activity with certain minors, F.S. 794.05, this bill expands the definition of "sexual activity" to include "penetration by any other object." The crime of voyeurism, F.S. 810.14, was changed to effectively expand the areas where one may have a reasonable expectation of privacy. There are also various modifications to the criminal punishment code

regarding sentencing of sexual offenders as well as a 50-year mandatory minimum sentence for those designated as dangerous sexual offenders. *Effective Date: October 1, 2014.*

<https://www.flsenate.gov/Session/Bill/2014/0526/BillText/er/PDF>

**Senate Bill 528 (Ch. 2014-05): Name Change Petitions, Sex Offenses; Sexual Predators and Offenders; Sheriffs; Department of Highway and Safety and Motor Vehicles; Crimes and Penalties**

This 90-page bill amends numerous subsections in F.S. 68.07, 775.21, 775.25, 943.043, 943.0435, 943.04354, 944.606, 944.607, 985.481, and 985.4815, relating to sexual predator and offender registration requirements. In part, the bill amends F.S. 68.07 requiring petitions for name change to be verified and show if the subject has ever been required to register as a sexual predator/offender and provides for specific notice by the clerk of the court to specified agencies. Both F.S. 775.21 and 943.0435, relating to sexual predator and offender registration, are amended to expand the list of qualifying offenses to include F.S. 393.135(2) (sexual misconduct with an individual with a developmental disability), F.S. 394.4593(2) (sexual misconduct with a patient) F.S. 825.1025 (lewd or lascivious offenses involving elderly or disabled persons), and F.S. 916.1075(2) (sexual misconduct with a forensic client). The bill provides new registration requirements for offenders who are transient. The bill also requires the inclusion of information relating to tattoos or other identifying marks, the make, model, color, VIN, and license tag number of all vehicles owned, palm prints, passport, immigration status, and professional licenses, at registration. The predator or offender must report in person to the sheriff's office within 48 hours after any change in "vehicles owned." The predator or offender must also report if volunteering at an institution of higher education. The bill also requires predators or offenders, if unable to get a driver license or ID card, to report to the Sheriff within 48 hours of any change in residence or name and provide confirmation that they reported the information to Department of Highway and Safety and Motor Vehicles (DHSMV). The bill requires a sexual offender or predator registered as transient to report to the county within 48 hours of establishing a residence in that county and to report in person every 30 days to the Sheriff. Each Sheriff is required to establish procedures for reporting transient offender or predator information and may work with police departments and other governmental agencies. Transients will still be required to register on their regular registration dates. A failure to report every 30 days as required is a third-degree felony. Predators and offenders must report to the Sheriff within 21 days before leaving the U.S. for 5 or more days. The bill clarifies that law enforcement may verify addresses of sexual offenders or predators who are under the care, custody, control, or supervision of the Department of Corrections (DOC). It is a third-degree felony to knowingly provide false registration information by act or omission. The bill specifies that a sexual offender or predator who commits a violation by act or omission can be prosecuted in the county where the offender was released from incarceration, or in the county of the intended residence of the offender as reported by the offender prior to his or her release from incarceration. Under the bill, F.S. 943.0435(11) (the relief from registration section), is amended to exclude lewd or lascivious molestation under F.S. 800.04(5)(c)2. from relief if the court finds the offense involved the use of force or coercion and unclothed genitals or genital area. Any similar offenses that have been redesignated from a former statute number are also excluded from F.S. 943.0435(11) (the relief from registration section). The court venue relating to where an offender can petition for relief is changed from where the sexual offender resides, to the court where the conviction or adjudication occurred. The bill states that if a sexual offender is sentenced to a term of more than 25 years'

supervision for the most recent conviction that required registration as a sexual offender, the offender may not petition for removal of the registration requirement until the term of supervision for that conviction is completed. The bill amends F.S. 943.0435(14) to require quarterly registration for the offense of lewd or lascivious molestation under F.S. 800.04(5)(c)2., where the court finds that the use of force or coercion is present and unclothed genitals were involved. The bill includes any similar offenses that have been redesignated from a former statute number as qualifying offenses for purposes of quarterly registration. The bill amends F.S. 943.04354 (the Romeo and Juliet Relief statute) to specify that conviction includes any adjudication and to provide that similar offenses in other jurisdictions qualify for relief if the offender can show written confirmation that he/she no longer meets the registration criteria in the jurisdiction where the offense occurred. The bill lowers the minimum age of the victim from 14 to 13 years of age. FDLE must receive 21-day notice prior to a hearing under F.S. 943.04354. **Effective Date: October 1, 2014.**

<http://www.flSenate.gov/Session/Bill/2014/0528/BillText/er/PDF>

**House Bill 559 (Ch. 2014-63): Military Veterans License Plates; Veterans; License Plates; Specialty License Plates; Department of Highway Safety and Motor Vehicles**

This bill revises F.S. 1.01, 295.125, and 320.089, to refer to "Korean War" and "Vietnam War" veterans instead of "Korean Conflict" and "Vietnam Era" veterans. F.S. 320.089, is amended to include special license plates for privately-used vehicles belonging to a variety of active or retired veterans who actively served in various wars and military actions. The revisions further describe what type of insignia certain license plates may have on them. **Effective Date: July 1, 2014.**

<http://www.flSenate.gov/Session/Bill/2014/0559/BillText/er/PDF>

**Senate Bill 590 (Ch. 2014-81): Agencies; Office of Financial Regulation; Money Services Business; Reporting Requirements; Check Cashers; Crimes and Penalties**

This bill allows the Office of Financial Regulation (OFR) to suspend the license of a money services business (MSB) if that MSB is a natural person required to be listed and has been arrested or charged with a specified crime. The bill also creates a third-degree felony offense for licensed check cashers who knowingly violate specified check cash database or electronic log reporting requirements. **Effective Date: July 1, 2014.**

<http://www.flSenate.gov/Session/Bill/2014/0590/BillText/er/PDF>

**House Bill 627 (Ch. 2014-zzz): Service of Process; Sheriffs; Courts; Crimes and Penalties**

This bill amends F.S. 30.231 regarding sheriff's fees for service of process, by removing an exception which limited a sheriff to being entitled to only a single fee in an instance where more than one summons or writ was to be issued at the same time out of the same cause of action to be served upon one person at the same time. The bill also amends F.S. 48.031, regarding service of process in general. The amendment provides that an employer who fails to allow an individual authorized to serve process to serve an employee in a private area designated by the employer is subject to a noncriminal violation, punishable by a fine of up to \$1,000. Other changes include a requirement that the person requesting service or the person authorized to serve the process shall file the return-of-service form with the court. The previous version of

the statute called only on the person issuing the process to file the return-of-service with the court. F.S. 48.081(3)(b) was amended to indicate that a process server is to use the actual address of a registered agent when relying on this statute to serve a registered agent, officer, or director of the corporation, rather than relying on the "address provided" in the event they are not the same. F.S. 56.27, regarding executions of judgments, is amended to state that a sheriff may rely on the affidavit submitted as required under this section, and adds that a sheriff paying money received under an execution in accordance with information in the affidavit is not liable for wrongful distribution of funds. Finally, the statute is amended to provide a procedure for a sheriff to apply for instructions from a court in the event of uncertainty regarding the proper recipient of proceeds from the sale of levied property. **Effective Date: July 1, 2014.**

<http://www.flsenate.gov/Session/Bill/2014/0627/BillText/er/PDF>

**House Bill 635 (Ch. 2014-124): Background Checks; Screening; Expunction; Sealing**

This bill mandates that persons seeking to be appointed as a guardian, other than corporate guardians, may not lawfully deny criminal history records expunged under F.S. 943.0585 or sealed pursuant to F.S. 943.059. **Effective Date: July 1, 2014.**

<http://www.flsenate.gov/Session/Bill/2014/0635/BillText/er/PDF>

**House Bill 641 (Ch. 2014-zzz): Computers; Electronic Devices; Public Utilities; Courts; Crimes and Penalties**

This bill amends F.S. 815.04 to expand offenses against intellectual property to include unauthorized introduction of a computer contaminant that causes data to become unavailable. The bill also adds electronic devices, such as cell phones and tablets, to the types of computers and computer systems covered by offenses against intellectual property. The bill expands F.S. 815.06, by adding computer systems, computer networks, and electronic devices to offenses against computer users. The bill makes the offense against a computer user by means of audio or video surveillance of an individual, or by accessing any inherent feature or component of a computer, computer system, computer network, or electronic device, a third degree felony. Under the bill, an offense against computer users is a second degree felony when done to intentionally interrupt the transmittal of data, or to gain unauthorized access to a computer, computer system, computer network, or electronic device belonging to any mode of public or private transit. If the offense against computer users endangers human life, or disrupts a computer, computer system, computer network, or electronic device that affects medical equipment used in the direct administration of medical care or treatment to a person, it is punishable as a first-degree felony. The bill creates F.S. 815.061, making it a third-degree felony to willfully, knowingly, and without authorization access a public utility's computer, computer system, computer network, or electronic device. It is a second-degree felony if a person unlawfully tampers with, inserts a computer contaminant, or disrupts a public utility's computer, computer system, computer network, or electronic device. **Effective Date: October 1, 2014.**

<http://www.flsenate.gov/Session/Bill/2014/0641/BillText/er/PDF>

**Senate Bill 674 (Ch. 2014-84): Background Screening, Fingerprints; Department of Highway Safety & Motor Vehicles (DHSMV), Florida Department of Law Enforcement (FDLE), Department of Health; Agency for Health Care Administration; Crimes and Penalties**

This bill revises the background screening provisions for persons required by law to undergo criminal background screening, amending F.S. 322.142, 408.806, 408.809, 435.04, 435.07, and 435.12. The bill updates the disqualifying offenses to include offenses involving fraudulent activity for persons screened as a part of health care facility licensure and adds offenses involving attempting, soliciting, or conspiring to commit a disqualifying offense. The bill provides for an exemption if the person was previously qualified, the disqualifying offense was committed before the last screening and the law penalizing the disqualifying offense only became effective on July 1, 2014. Under the bill, the 3-year waiting period after payment of court-ordered monetary amounts in order to be eligible for an exemption from disqualification for certain felony convictions is eliminated. The bill authorizes DHSMV to provide driver license photographs to the Department of Health and the Agency for Health Care Administration pursuant to an interagency agreement with each agency. *Effective Date: July 1, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/0674/BillText/er/PDF>

**House Bill 697 (Ch. 2014-159): Controlled Substances; Synthetic Cannabinoids; Synthetic Phenethylamines; Hallucinogenic Substances; Crimes and Penalties**

This bill concerns Synthetic Cannabinoids and Synthetic Phenethylamines, and adds four additional synthetic cannabinoid-mimicking compounds and two hallucinogens to Schedule I, as set out in F.S. 893.03(1)(c), previously scheduled by the Attorney General's emergency rule. The bill also amends the drug trafficking statute, F.S. 893.135, to add three Phenethylamines found in the street drug "Molly," along with their analogs or isomers. *Effective Date: June 16, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/0697/BillText/er/PDF>

**Senate Bill 754 (Ch. 2014-zzz): Certificate of Title; Vehicle Airbags; Crimes and Penalties**

This bill amends F.S. 319.30 regarding certain motor vehicles which have sustained damage resulting in the vehicle being determined a total loss. The amendment sets forth situations where an owner or insurance company must obtain a certificate of destruction for a vehicle. The bill also amends F.S. 860.146, inasmuch as it provides legal definitions for the terms "airbag," "counterfeit airbag," and "nonfunctional airbag." The bill broadens the scope of the criminal behavior surrounding the act of knowingly purchasing, selling, or installing a fake or junk-filled airbag compartment on a vehicle, by additionally making it illegal for any person to knowingly import, manufacture, offer for sale, or reinstall a fake or junk-filled airbag compartment on a vehicle. Violation of the statute remains a second-degree felony. *Effective Date: July 1, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/0754/BillText/er/PDF>



**Senate Bill 836 (Ch. 2014-89): Medical Gas; Prescription Drugs/Prescriptions; Crimes and Penalties**

This bill creates F.S. 499.92 and provides that it is unlawful for a person, with intent to defraud or deceive, to adulterate or misbrand medical gas (which includes nitrous oxide). It is also unlawful to knowingly purchase or receive medical gas from a person not legally authorized to distribute or dispense medical gas. It is a violation for a person to knowingly engage in the wholesale distribution, sale, or transfer of medical gas to a person not legally authorized to purchase medical gas in the jurisdiction in which the person receives the medical gas. It is also unlawful under the bill to knowingly, falsely create a label for medical gas or knowingly, falsely represent as true [or, misrepresent?] a factual matter contained in a label for medical gas. Violations are a third-degree felony. The real or personal property of a person found guilty of any of these offenses that was used or intended to be used to commit, to facilitate, or to promote the commission of the offense is subject to forfeiture. *Effective Date: October 1, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/0836/BillText/er/PDF>

**House Bill 863 (Ch. 2014-zzz): Public Records; Motor Vehicle Crash Reports**

This bill amends F.S. 316.066. The bill requires parties to file an affidavit, when requesting crash reports at a time that is within the first sixty days of the requested crash report having been filed with the investigating agency. This bill adds the requirement that a party requesting such a crash report must complete and swear to a separate sworn statement for each individual crash report that is requested. The specifics that must be alleged in the sworn statement remain unchanged. *Effective Date: July 1, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/0863/BillText/er/PDF>

**House Bill 865 (Ch. 2014-zzz): Public Records; Motor Vehicle Crash Reports**

This bill modifies F.S. 316.066 by providing additional eligibility requirements for a "free newspaper of general circulation" to be able to immediately access crash reports and not be subject to the otherwise applicable sixty-day waiting period after the initial filing of the report. A restriction was also added, stating that a "free newspaper of general circulation" which has requested ten or more crash reports within a twenty-four hour period before sixty days have elapsed after the report is filed may not have access to the personal or work phone numbers or addresses of the individuals involved in the crash. The aim of the bill is to safeguard against insurance fraud and unlawful solicitation. *Effective Date: July 1, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/0865/BillText/er/PDF>

**House Bill 955 (Ch. 2014-zzz): Vessels; Florida Game and Freshwater Commission; Boating Safety Course; Courts; Crimes and Penalties**

This bill amends F.S. 327.355 and F.S. 327.321 to specify that a violator ordered by the court to attend an approved boating safety course must do so at his or her own expense. The bill authorizes a person to comply by taking the course online. *Effective Date: July 1, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/0955/BillText/er/PDF>

**House Bill 989 (Ch. 2014-zzz): Human Trafficking; Victims; Minors; Department of Business and Professional Regulation; Adult Theaters; Sentencing; Statute of Limitations; Crimes and Penalties**

This 123-page bill amends a number of statutes related to human trafficking. Of note for law enforcement, the bill allows defendants charged with human trafficking of a minor for labor, or human trafficking for commercial sexual activity, to petition the court for access to confidential and exempt information for purposes of preparing a defense. The bill also allows certain information to be published at trial, so long as it does not include particular identifying information. It also allows the State to use a pseudonym for the victim. The bill also amends restrictions on compensation claims, allowing persons engaged in prostitution as a result of being a victim of human trafficking for commercial sexual activity to file such claims where others engaged in unlawful activity would be prohibited. Victims of such offenses are also eligible for relocation assistance, but they must cooperate with law enforcement if applicable. The bill also takes significant action towards adult theaters. The bill prohibits the employment of persons under 18 years of age in adult theaters. Such businesses must obtain valid proof of identity and age of all employees. Those businesses must also retain copies of such documents for the entirety of the individual's employment and for at least three years after the employment has ended. Those businesses must allow the Department of Business and Professional Regulation access at any time to review such records. The bill also alters penalties for a number of offenses: human trafficking for labor or services of a child under 18 becomes a Level 8 offense; human trafficking for commercial sexual activity of a child under the age of 18 or any person who is mentally defective or mentally incapacitated becomes a life felony and Level 10 offense regardless of the age of the minor; human trafficking for labor or services of a child under the age of 18 who is an unauthorized alien becomes a Level 9 first-degree felony; human trafficking for labor or services by transferring or transporting a child under the age of 18 from outside Florida to within Florida becomes a Level 8 first-degree felony; and human trafficking for commercial sexual activity by transferring or transporting a child under the age of 18 from outside Florida to within Florida becomes a Level 9 offense punishable by life imprisonment. The bill also adds a new offense for permanently branding a human trafficking victim, which will be a third-degree felony. The bill specifies that there is no time limitation for the criminal prosecution of specific human trafficking offenses. Finally, the bill alters the sentencing guidelines for persons who knowingly derive support from prostitution earnings.

***Effective Date: October 1, 2014.***

<http://www.flsenate.gov/Session/Bill/2014/0989/BillText/er/PDF>

**Senate Bill 1030 Cannabis (Ch. 2014-157): "Compassionate Medical Cannabis Act of 2014"; Cannabis; Controlled Substances; Department of Health; Physicians; Cannabis; Controlled Substances, Crimes and Penalties**

The bill creates F.S. 381.986, the "Compassionate Medical Cannabis Act of 2014." The bill establishes the compassionate use registry within the Department of Health (DOH) and requires registration of physicians who order the use of low-THC (tetrahydrocannabinol) cannabis and patients that are authorized to use low-THC cannabis under limited circumstances. A dispensing organization must employ a medical director who is a physician and who successfully completes a course encompassing appropriate safety procedures and knowledge of low-THC cannabis. The bill authorizes specified physicians to order low-THC cannabis, as defined within the statute, for use by specified patients. It also provides that it is a first-degree misdemeanor for a physician to order low-THC cannabis for a patient without a reasonable belief that the

patient is suffering from one or more of the enumerated conditions in the bill. The bill provides that it is a first-degree misdemeanor for any person to fraudulently represent that he or she is afflicted with an enumerated condition for the purposes of being prescribed low-THC cannabis by a physician. Physician education requirements are specified which must be satisfied before a physician may order low-THC cannabis for a patient, and administrative sanctions are provided for physician noncompliance. The bill requires DOH to establish a secure online compassionate use registry by January 1, 2015, which will include all physicians and patients, as specified by the bill, and which must be accessible to law enforcement agencies and dispensing organizations in order to verify patient authorization for low-THC cannabis. The bill allows a qualified patient and the qualified patient's legal representative to purchase and possess for the patient's medical use up to the amount of low-THC cannabis ordered for the patient. DOH is to authorize the establishment of five regional dispensing organizations. All owners and managers of a dispensing organization must undergo a state and national criminal history record check. An approved dispensing organization and its owners and employees may manufacture, possess, sell, deliver, distribute, dispense, and lawfully dispose of reasonable quantities (to be defined by agency rule) of low-THC cannabis. The bill provides for state university research on cannabidiol and low-THC cannabis, including its agricultural development and production. The bill amends F.S. 893.02 to state that "Cannabis," as defined within criminal statute, does not include "low-THC cannabis" as defined in the new F.S. 381.986, provided that the low-THC cannabis is manufactured, possessed, sold, purchased, delivered, distributed, or dispensed, in conformance with F.S. 381.986. ***Effective Date: June 16, 2014.***

<http://www.flSenate.gov/Session/Bill/2014/1030/BillText/er/PDF>

<b>House Bill 1047 (Ch. 2014-zzz): Termination of Pregnancies; Abortion; Unborn Child; Crimes and Penalties; Sentencing; Courts</b>
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This bill modifies F.S. 390.0111 which provides exceptions to the prohibition against abortions during the third trimester of pregnancy. The bill also creates F.S. 390.0112, which prohibits the abortion of a fetus during viability. "Viability" is defined in the bill as the stage of fetal development when the life of a fetus is sustainable outside the womb through standard medical measures. Under the bill, an abortion is lawful during the third trimester or during viability only when two physicians certify in writing that, in reasonable medical judgment, it is medically necessary to save the pregnant woman's life or avert a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman (excluding a psychological condition) or one physician certifies in writing that, in reasonable medical judgment, legitimate emergency medical procedures for an abortion are medically necessary to save the pregnant woman's life or avert a serious risk of imminent substantial and irreversible physical impairment of a major bodily function of the pregnant woman and another physician is not available for consultation. The bill mandates that a physician first determine if a fetus is viable to the maximum extent possible through reasonably available tests and ultrasound before performing an abortion. The physician must document in the pregnant woman's medical record the physician's determination and the method, equipment, fetal measurements, and any other information used to determine the viability of the fetus. An unlawful abortion of a fetus during the third trimester of pregnancy or during viability is a second-degree felony. The bill also amends F.S. 797.03 to provide that it is unlawful and a second-degree misdemeanor for any person to perform or assist in performing an abortion on a person during viability or in the third trimester other than in a hospital. ***Effective Date: July 1, 2014***

<http://www.flsenate.gov/Session/Bill/2014/1047/BillText/er/PDF>

**House Bill 1049 (Ch. 2014-138): Vessels; Diving; Crimes and Penalties**

This bill defines divers-down buoys and divers-down flags by defining a divers-down symbol to be displayed on both the buoy and the flag. Divers may not display buoys or flags in a manner to constitute a hazard to navigation. Divers are to make reasonable efforts to remain within 100 feet of the flag or buoy. Vessel operators encountering buoys or flags must make a reasonable effort to stay 100 feet from any buoy or flag displaying the divers-down symbol. The divers-down buoy or flag must not be displayed once all divers are aboard a vessel or ashore, and no vessel may display a divers-down flag unless the vessel has one or more divers in the water. The bill provides that violations are civil infractions with the exception as provided in F.S. 327.33 (reckless operation of a vessel). *Effective Date: July 1, 2014*

<http://www.flsenate.gov/Session/Bill/2014/1049/BillText/er/PDF>

**House Bill 1065 (Ch. 2014-139): Licensed Massage Therapists; Fingerprints; Background Screening; Florida Department of Law Enforcement; Federal Bureau of Investigation; Department of Health; Care Provider Background Screening Clearinghouse; National Retained Print Arrest Notification Program**

This bill relates to massage therapists and their state licenses. Under the general background screening provisions, this bill provides an exception to the regular requirement that fingerprints sent to the Department of Law Enforcement (FDLE) are forwarded to the Federal Bureau of Investigation (FBI). FDLE is not required to forward fingerprints to the FBI if the fingerprints are already enrolled in the national retained print arrest notification program at the FBI. Otherwise, this bill requires FDLE to send fingerprints to the national retained print arrest notification program once FDLE begins participation in the program. The bill also creates the requirement that all fingerprints received pursuant to its relevant sections must be entered into the Care Provider Background Screening Clearinghouse. The bill requires the Department of Health to issue an emergency order suspending a massage therapy/establishment license upon receipt of information that the license holder has pled guilty or no contest to, or has been found guilty of, a felony offense or an offense of similar provisions in other jurisdictions. Similarly, the Board of Massage Therapy is to deny an application for a new or renewal license under the same criteria. *Effective Date: July 1, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/1065/BillText/er/PDF>

**Senate Bill 1142 (Ch. 2014-95): Ticket Sales; Fraud; Crimes and Penalties**

This bill amends F.S. 817.355 to specify that it is unlawful for any person, with the intent to defraud, to clone a ticket, card, wristband, or other medium that accesses admission to, or the rendering of services by, any sports, amusement, concert, or other facility offering services to the general public. A violation is a first-degree misdemeanor. A second or subsequent violation is a third-degree felony. The bill also provides that it is a third-degree felony for a person to counterfeit, forge, alter, clone or possess ten or more such tickets with the intent to defraud. The bill also amends F.S. 817.361 to make it unlawful for a person to offer for sale, sell, or transfer in connection with a commercial transaction, with or without consideration, a nontransferable multiuse theme park ticket or a card, wristband, or other medium that accesses or is associated with any such nontransferable multiuse ticket. A violation of this provision is a

first-degree misdemeanor and a second or subsequent violation is a third-degree felony.  
**Effective Date: July 1, 2014.**

<http://www.flsenate.gov/Session/Bill/2014/1142/BillText/er/PDF>

**House Bill 1363 (Ch. 2014-143): Vessels; Fish and Wildlife Conservation Commission; Law Enforcement Agencies; Law Enforcement Officers**

This bill amends F.S. 327.44 and authorizes the Division of Law Enforcement of the Fish and Wildlife Conservation Commission (FWC), FWC officers, or any other law enforcement officer to relocate a vessel that unreasonably or unnecessarily constitutes a navigational hazard or interferes with another vessel. The bill also amends F.S. 823.11, to specify that such officers are also authorized to relocate, or cause to be relocated, a derelict vessel from public waters if the derelict vessel obstructs or threatens to obstruct navigation or poses a danger to the environment, property or persons. The bill exempts FWC and any other law enforcement agency or officer from liability for damages caused by the relocation or removal of a vessel, unless the damage results from gross negligence or willful misconduct. **Effective Date: July 1, 2014.**

<http://www.flsenate.gov/Session/Bill/2014/1363/BillText/er/PDF>

**Senate Bill 1636 (Ch. 2014-zzz): Parole Commission; Florida Commission on Offender Review**

This bill renames the Parole Commission the Florida Commission on Offender Review to more accurately reflect the roles of the commission. **Effective Date: July 1, 2014.**

<http://www.flsenate.gov/Session/Bill/2014/1636/BillText/er/PDF>

**Senate Bill 1666 (Ch. 2014-zzz): Department of Children and Families (DCF); Florida Abuse Hotline; Minors; Child Abuse; Sexual Predators/Sexual Offenders; Sheriffs; Law Enforcement Agencies; Courts; Crimes and Penalties**

This 149-page bill makes a number of additions and revisions to statutes concerning child welfare. The bill amends F.S. 39.201 to require any alleged incident of sexual abuse by a juvenile, involving a perpetrator who is in the custody of, or protective supervision of, the Department of Children and Families (DCF) to be reported to the central abuse hotline. The bill also requires DCF to ensure that the facts and results of any investigation of child sexual abuse involving such a child be disclosed to the court at the next hearing or included in the next report to the court concerning the child. The bill creates F.S. 39.2015 to require a critical incident rapid response team to conduct an immediate onsite investigation of all child deaths reported to DCF if the child, or another child in his or her family, was the subject of a verified report of suspected abuse or neglect during the previous 12 months. The bill specifies the membership of the team, investigation guidelines, and requires training of the teams. The bill also creates F.S. 39.2022 which requires DCF to disclose, on DCF's website, specified basic information about child deaths which are reported to the central abuse hotline. The bill amends F.S. 39.301 to require child protective investigative services to implement a safety plan or to take the child into custody if a present or impending danger to a child is identified. The bill sets out the acceptable parameters to ensure that the safety plan is specific, sufficient, feasible, and sustainable. The bill lists factors that must be used to prioritize safety plan services to families who have multiple risk factors. The bill creates F.S. 39.3068 which requires

DCF or the investigating sheriff's office, on receiving a report of medical neglect of a child, to assign a child protective investigator with specialized training in cases involving medical neglect or medically complex children. If such an investigator is unavailable, consultation with specialized DCF staff is required. The child protection team is required to assist the child protective investigator in addressing the child's needs. The bill amends F.S. 39.307 to require DCF, on receiving a report of juvenile sexual abuse or inappropriate sexual behavior, to ensure that information describing that child's history is included in the child's electronic record. The bill amends F.S. 39.806 to add, as a ground for termination of parental rights, when a parent is convicted of an offense that requires the parent to register as a sexual predator. The bill creates F.S. 402.402 to require child protective investigators and child protective investigation supervisors employed by DCF or a sheriff's office to complete specialized training as set out in the bill. The bill also creates F.S. 827.10, unlawful desertion of a child. Under the new law, it is a third-degree felony for a caregiver to desert a child under circumstances in which the caregiver knew or should have known that the desertion exposed the child to unreasonable risk of harm. **Effective Date: July 1, 2014, except Section 6 which is effective January 1, 2015.**

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**Senate Bill 1700 (Ch. 2014-158): Cannabis; Controlled Substances; Department of Health; Agencies; Physicians; Public Records; Confidential and Exempt Records; Crimes and Penalties**

This bill creates F.S. 381.987, which provides for a public records exemption for any personal identifying information in the compassionate use registry. Personal identifying information includes patient name, address, telephone number, government-issued identification number, and all information pertaining to the physician's order for low-THC cannabis and the dispensing of it. This information is to be confidential and exempt from public records release under the provisions of F.S. 119.07(1). Similar protections are also provided for physicians whose information is provided in the registry. Access to the registry is permitted for law enforcement investigating a violation of the law regarding cannabis in which the subject claims an exception established under F.S. 381.986. A dispensing organization approved by the Department of Health (DOH) which is attempting to verify the authenticity of a physician's order for low-THC cannabis, a physician who has written a prescription for low-THC cannabis, or a physician determining (prior to prescribing) whether another physician has ordered the patient's use of low-THC cannabis, also have access to the registry. Personal identifying information in the compassionate use registry is also available to an employee of DOH for the purpose of maintaining the registry and periodic reporting or disclosure of information that has been redacted to exclude personal identifying information. DOH's health care regulatory boards that are responsible for the licensure, regulation, or discipline of a physician suspected of violating F.S. 381.986 are also given access, as are persons engaged in bona fide research. Wilful violation of the confidentiality and exemption of the information in the registry constitutes a third-degree felony. **Effective Date: June 16, 2014.**

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**House Bill 7005 (Ch. 2014-zzz): Transportation; Department of Highway Safety and Motor Vehicles (DHSMV); License Plate Recognition System; Department of State; Department of Law Enforcement**

This 79-page bill includes amendments to F.S. 61.13016 to add additional reinstatement criteria for persons whose driver license and vehicle registration were suspended for delinquent alimony or child support payments. The bill also creates F.S. 316.0778 regarding automated license plate recognition systems. The new section requires the Department of State, in consultation with the Department of Law Enforcement, to establish a retention schedule for records created by an automated license plate recognition system, establishing a maximum period the records may be retained. The bill amends F.S. 316.081(3) which makes it unlawful to fail to yield while driving in the furthestmost left-hand lane, if the driver knows, or reasonably should know, that an overtaking vehicle traveling at higher speed is approaching from the rear. The revision deleted the speed threshold of more than 10 miles per hour slower than the speed limit. A violation is a noncriminal traffic infraction. The bill amends F.S. 316.126 to require drivers approaching sanitation or utility service vehicles to safely vacate the lane closest to the lane where the vehicle is working, or slow down. The bill also amends F.S. 316.193 regarding installation of ignition interlock devices (IID) on vehicles operated by DUI offenders. In the case of first offenders, the court has discretion to order IID installation for an offender with a BAC of 0.08 or higher, not currently subject to IID installation. The IID must be installed for at least six continuous months. A second or subsequent DUI offender may also be required to participate in a qualified sobriety and drug monitoring program in addition to the IID requirement. The bill also amends F.S. 316.605 to eliminate the requirement that license plates be displayed on a vehicle so that the word "Florida" is plainly visible and legible. This change would allow the use of license plate frames although they obscure the word "Florida" on the tag. The bill replaces the "Sportsmen's National Land Trust" license plate with the "Wildlife Foundation of Florida" (WFF) license plate and replaces the "Catch Me Release Me" specialty license plate with the "Protect Our Oceans" specialty license plate. The bill creates F.S. 322.032 directing DHSMV to begin the process of development of a secure and uniform system for issuing an optional digital proof of driver license in such a format as to allow law enforcement to verify its authenticity. The bill authorizes a licensee to present or submit a digital proof of driver license in lieu of a physical driver license. A person who manufactures a false digital proof of driver license commits a third-degree felony. A person who possesses a false digital proof of driver license commits a second-degree misdemeanor. The bill amends F.S. 322.141 concerning driver licenses or identification cards issued to designated sexual predators, to be marked on the front of the card "SEXUAL PREDATOR." The bill requires a law enforcement officer or agency to impound an unauthorized wrecker operator's wrecker, tow truck, or other motor vehicle used unlawfully for operation outside of the wrecker operator system, at the unauthorized wrecker operator's expense. The bill provides for establishment of a yellow dot program intended to allow an emergency medical responder at the scene of a crash or emergency involving a driver of a vehicle with an affixed yellow dot decal to search the glove compartment of the vehicle for the medical information in the person's yellow dot folder. ***Effective Date: July 1, 2014, except for Section 14, which is effective January 1, 2016.***

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**House Bill 7029 (Ch. 2014-zzz): Students; Second Amendment; Firearms; Weapons; Retail; Discipline; Crimes and Penalties; Juvenile Justice; Minors**

This bill revises F.S. 1006.07, to specify that students are not subject to disciplinary action or referral to the criminal justice system for simulating a firearm or weapon while playing, or for wearing clothing or accessories that depict firearms or weapons or that express opinions about the Second Amendment. The bill provides an illustrative list of actions permissible by students. The bill does provide that a student may be disciplined if the student's simulating a firearm or weapon while playing substantially disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm. *Effective Date: June 20, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/7029/BillText/er/PDF>

**Senate Bill 7035 (Ch. 2014-zzz): Juvenile Sentencing; Minors; Courts; Crimes and Penalties**

This bill, in part, creates F.S. 921.1401 and F.S. 921.1402, relating to juvenile sentencing to conform with recent U.S. Supreme Court decisions. Certain juvenile sentences will be subject to a mandatory sentencing hearing to consider statutory criteria, and also scheduled judicial review hearings during the term of the juvenile's sentence. If the court that conducts any such sentence review hearing determines that the offender has been rehabilitated and is fit to reenter society, the offender must be released with a modified sentence that requires serving a minimum term of 5 years of probation. Otherwise, the court must enter a written order stating the reasons for not modifying the sentence. *Effective Date: July 1, 2014.*

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**House Bill 7051 (Ch. 2014-147): Department of Agriculture and Consumer Services (DACS), Private Investigator Licensing Requirements; Fingerprints; Sealed Records, Firearms Permits**

This 42 page bill amends several statutory provisions pertaining to DACS. For this summary's purpose, only the revisions related to the licensing division will be reviewed. The bill amends F.S. 493.6108 to provide an FBI review by name when applicant fingerprints are illegible. The bill also amends F.S. 493.6113 to clarify existing requirements for licensing and recertification of Class "G" statewide firearms licensees and amends F.S. 493.6115 to authorize a Class "G" licensee to carry a .40 caliber handgun or a .45 caliber handgun. The bill revises F.S. 493.6305 to permit Class "D" licensees that are also Class "G" licensees who are performing bodyguard or executive protection services to carry their authorized firearms while in "plain clothes" as needed. The bill amends F.S. 943.059 to expand the access to sealed records to the Bureau of License Issuance of DACS' Division of Licensing in the determination of an applicant's eligibility to carry a concealed weapon or firearm. *Effective Date: July 1, 2014; January 1, 2015 (relating to sealed records).*

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**House Bill 7055 (Ch. 2014-zzz): Juvenile Justice; Department of Juvenile Justice; Abscond; Detention; Neglect; Fingerprints; Crimes and Penalties; Department of Law Enforcement; Minors; Victims**

This 124-page bill amends a number of provisions within Chapter 985 regarding the juvenile justice system in Florida. Of particular note to law enforcement are stated additions of purpose in the statute to: (1) increase public safety through effective prevention, intervention and treatment services; and (2) an assurance of due process for victims through the juvenile justice system. The bill adds a definition of "abscond," and revises the definition of a "child" or "juvenile" to include all persons under 18 years of age who have been alleged to have committed a violation of law prior to reaching 18. The bill also makes multiple alterations to the juvenile court's jurisdiction of individuals still involved in the juvenile justice system beyond age 18. The bill also authorizes the Department of Juvenile Justice (DJJ) to develop evening reporting centers to further facilitate non-secure detentions. Detention staff is now required to notify the appropriate law enforcement agency, school personnel, and victim when a child charged with murder, sexual battery, stalking, or domestic violence is transferred from secure to non-secure detention. Additionally, the bill allows the court to place juveniles who have been found to have technical violations of probation in alternative consequence programs, which must be coordinated with law enforcement, the Chief Judge of the Circuit, the State Attorney, and the Public Defender. The alternative consequence program may be supervised by law enforcement or a DJJ entity. Currently, fingerprint records are required to be taken and submitted to FDLE when juveniles are found to have committed certain offenses; the bill excludes juveniles from that requirement if the juvenile is issued a civil citation or if he or she participates in any of certain diversion programs. Finally, the bill creates a new criminal offense for the willful and malicious neglect of a juvenile offender. If the neglect occurs without great bodily harm, the offender commits a third-degree felony. The offender commits a second-degree felony if the neglect occurs with great bodily harm to the juvenile. Moreover, knowingly failing to file a statutorily-obligated report, or filing an inaccurate or incomplete report, is a first degree misdemeanor. It is now a third-degree felony to coerce or threaten another person with the intent to alter testimony or a written report. *Effective Date: July 1, 2014.*

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**House Bill 7073 (Ch. 2014-zzz): Information Technology; Agency for State Technology; Department of Management Services; Florida Department of Law Enforcement; Agencies; Cybercrime**

This bill creates the Agency for State Technology (AST) within the Department of Management Services (DMS). The bill defines the duties and responsibilities of the AST. Additionally, the bill codifies the procedures and protocol established by the Cyber Intelligence Group regarding the handling of suspected or confirmed information technology (IT) security threats or incidents at the state data center and specifically clarifies the duties and responsibilities of the FDLE Cybercrime Office. Under the bill, FDLE is directed to monitor IT resources provide analysis on information technology security incidents, threats, and breaches, investigate violations of state law pertaining to suspected or confirmed cyber-security incidents and assist in any related response and recovery. FDLE is also required to provide security awareness training and information to state agency employees. The bill requires the information security manager for each agency to report directly to the agency head for purposes of carrying out his/her IT security duties and clarifies the eligible recipients of IT security audits, policies and procedures, and risk assessments. *Effective Date: July 1, 2014.*

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**House Bill 7141 (Ch. 2014-zzz): Human Trafficking; Statewide Council on Human Trafficking; Attorney General; Department of Legal Affairs; Department of Law Enforcement; Department of Children and Families; Sexual Exploitation; Children; Minors; Victims; Agencies**

This bill creates the Statewide Council on Human Trafficking within the Department of Legal Affairs, whose goal will be to enhance cooperation on human trafficking issues between law enforcement and social services, in order to fight commercial sexual exploitation as a form of human trafficking, and to support victims. Members of the Council, among others, include the Attorney General or designee, the executive director of the Department of Law Enforcement or designee, an elected sheriff appointed by the Attorney General, an elected state attorney appointed by the Attorney General, and two members appointed by the Attorney General, and two more appointed by the Governor, who have professional experience to assist the Council in the development of care and treatment options for victims. The bill provides for local regional directors of the Department of Children and Families (DCF) to provide training to law enforcement officials who are likely to encounter sexually exploited children in the course of their duties. *Effective Date: July 1, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/7141/BillText/er/PDF>

**House Bill 7177 (Ch. 2014-156): Public Records; Open Government Sunset Review Act, Prescription Drug Monitoring Program; Department of Health; State Agencies; Attorney General; Medicaid Fraud; Exemptions**

This bill amends F.S. 893.0551, regarding public records exemptions to the prescription drug monitoring program, to require law enforcement agencies to enter into user agreements with the Department of Health before receiving confidential and exempt information. Agencies may not have direct access to the database. The bill provides that the Attorney General's Medicaid fraud investigators may not have direct access to the department's database. The bill requires that an active investigation be identified and relevant before the Attorney General may disclose any confidential and exempt information. The bill allows the Department of Health discretion in providing information to a law enforcement agency, allowing the department to disclose confidential information if it determines that a pattern of controlled substance abuse exists. The bill also provides that information released to a state attorney may only be in response to a discovery demand directly related to a criminal case, or otherwise by court order. *Effective Date: October 1, 2014.*

<http://www.flsenate.gov/Session/Bill/2014/7177/BillText/er/PDF>