



# The Rap Sheet

Legal News for Law Enforcement in Brevard and Seminole Counties

State Attorney Norm Wolfinger

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## *Message from State Attorney Norm Wolfinger*



How does the time pass so fast! After twenty-one years of producing “The Rap Sheet”, my seasons as your State Attorney are coming to an end. Twenty Eight years plus eleven before election, and looking back, I couldn’t have asked for a better or more satisfying career. For those from the old days retired or who have passed on, to those still working with us, along with our newest members of the law enforcement team, I say thank you! Thank you for your passion, dedication, and professional service all directed toward making our community a better and safer place in which to live and raise our families. You have all made me and my staff proud to work along side of you on the law enforcement team. I am confident that your next State Attorney will also recognize that we in Brevard and Seminole Counties serve with the finest and best law enforcement in the State of Florida.

There was not a ton of new criminal laws that were passed during the last legislative session, but some that did pass are very important and significant. Finally there is some relief through felony charges of those giving false information to law enforcement involving missing children. As we can all agree, and I am sure I can speak for our excellent departing Brevard Sheriff Jack Parker, HB0947 is needed and may prevent the loss of law enforcement lives in the future. Hopefully, the summary provided in the Rap Sheet will be of some help and assistance to you. Enjoy and continue to learn. Until next time, Take Care and Be Safe.

NORM WOLFINGER



## 2012 LEGISLATIVE UPDATE

### **CHILD ABUSE, CHILD PROTECTION & SEX CRIMES**

#### **HB 0037 Relating to Knowingly and Willfully Giving False Information to a Law Enforcement Officer**

Provides that it is third-degree felony for person to knowingly & willfully give false information to law enforcement officer conducting missing person investigation involving child 16 years of age or younger with intent to mislead officer or impede investigation if child suffers great bodily harm, permanent disability, permanent disfigurement, or death. Effective Date: October 1, 2012 Chapter No. 2012-53

#### **HB 0099 Relating to Sexual Exploitation**

Cites act as "Florida Safe Harbor Act"; provides legislative intent & goals; revises definitions; authorizes delivery of children alleged to be dependent & sexually exploited to short-term safe houses; requires assessment of certain children for placement in safe house; provides for use of such assessments; requires annual report concerning placements; requires circuits of DCFS to address child welfare service needs of sexually exploited children in master plans; provides duties, responsibilities, & requirements for safe houses & their operators; provides for training for law enforcement officials who are likely to encounter sexually exploited children; provides for increased civil penalty for soliciting another to commit prostitution or related acts; provides for disposition of proceeds; allows victim compensation for sexually exploited children. Effective Date: January 1, 2013 Chapter No. 2012-105

#### **HB 0437 Relating to Protection of Minors**

Designates act "Protect Our Children Act of 2012"; requires person convicted of second or subsequent violation of specified video voyeurism provisions to register as sexual predator; provides that if more than one child is involved in violation of provisions prohibiting sexual performance by child, each child involved in violation creates separate offense; requires person convicted of video voyeurism violations to register as

sexual offender; revises definition of term "sexual offender" to include persons convicted of specified video voyeurism provisions; increases classification of specified video voyeurism offenses involving minors. Eff. Date: October 1, 2012 Chapter No.2012-19

**SB 0436 Relating to Video Voyeurism**

Revising the definition of the term "place and time when a person has a reasonable expectation of privacy" to include the interior of a residential dwelling; increasing the classification of specified video voyeurism offenses, etc. Effective date: July 1, 2012

Chapter No. 2012-39

**SB 0524 Relating to Restraint of Incarcerated Pregnant Women**

Citing this act as the "Healthy Pregnancies for Incarcerated Women Act"; prohibiting use of restraints on a prisoner known to be pregnant during labor, delivery, and postpartum recovery unless a corrections official makes an individualized determination that the prisoner presents an extraordinary circumstance requiring restraints; restricting the use of certain restraints during the third trimester of pregnancy unless there are significant security concerns documented by the Department of Corrections or correctional institution, etc. Effective date: July 1, 2012 Chapter No. 2012-41

**HB 0803 Relating to Child Protection**

Revises definitions; revises provisions relating to criminal history records check on persons considered for child placement; provides procedures for certain hotline calls that do not meet criteria for report of child abuse, abandonment, or neglect, but indicate need for assistance; revises requirements for child protective investigations; revises provisions relating to required services; revises requirement for DCFS's training & quality assurance programs; revises provisions relating to child protective injunction; requires home study report if child has been removed from home & will be remaining with parent; provides additional requirements for case plans; provides that Children & Youth Cabinet shall meet at least 4 times but no more than 6 times each year. Effective Date: July 1, 2012 Chapter No. 2012-178

**HB 1097 Relating to Sexually Violent Predators**

Provides for prioritization of written assessment & recommendation for person scheduled or up for review for release; revises provisions relating to petitions to hold person in custody following release & transfer to DCFS to provide for extension of certain time periods that expire after normal business hours; deletes exception for detainers for deportation to provisions requiring sexually violent predators to be committed to custody of DCFS upon expiration of incarcerative portion of all criminal sentences & disposition of any detainers; prohibits knowingly & intentionally bringing contraband into or its removal from grounds of any facility for commitment or detention of sexually violent predators; specifies items that constitute contraband. Effective Date: July 1, 2012 Chapter No. 2012-79

### **HB 1351 Relating to Homeless Youth**

Defines term "certified homeless youth"; provides that minor who is certified homeless youth or who has had disabilities on nonage removed under specified provisions may obtain certified copy of his or her birth certificate; provides that unaccompanied youths who are certified homeless youths 16 years of age or older who apply to court to have disabilities of nonage removed shall have court costs waived; requires court to advance such cases on calendar. Effective Date: July 1, 2012 Chapter No. 2012-186

### **HB 1355 Relating to Protection of Vulnerable Persons**

Revises language concerning child abuse reporting; requires DCF to provide for web-chat & update other web-based forms for reporting; requires specified educational institutions & their law enforcement agencies to report known or suspected child abuse, abandonment, or neglect in certain circumstances; provides financial penalties for violations; increases penalties for certain reporting offenses; provides for upward reclassification of certain prostitution offenses involving minors; provides for denial of relocation payment for domestic violence claim if claimant has been paid sexual battery relocation claim for same incident; provides for relocation assistance payments to victims of sexual battery; provides criteria for awards; provides for denial of relocation payment for sexual battery claim if claimant has previously been paid domestic violence relocation claim for same incident; provides appropriations; authorizes specified numbers of full-time equivalent positions with associated salary rates within DCF; defines "mental injury" with respect to offenses of abuse, aggravated abuse, & neglect of child; requires physician or psychologist acting as expert witness in certain proceedings have certain credentials; redefines "crime" for purposes of crime victims compensation to include additional forms of injury; redefines "victim" to conform with modified definition of "crime". Effective Date: October 1, 2012 Chapter No. 2012-155

## **MURDER & EVIDENCE**

### **HB 0667 Relating to Murder**

Designates act "Deputy John C. Mecklenburg Act"; provides that unlawful killing of human being when committed by person engaged in perpetration of, or in attempt to perpetrate, offense of aggravated fleeing or eluding with serious bodily injury or death is murder of specified degree in certain circumstances; requires life imprisonment for defendants convicted of specified offenses where victim is correctional officer, correctional probation officer, or related type of officer; conforms provisions; reenacts provisions. Effective Date: October 1, 2012 Chapter No. 2012-21

### **HB 0701 Relating to Florida Evidence Code**

Provides that statement offered against party that wrongfully caused declarant's unavailability is not excluded as hearsay. Effective Date: April 27, 2012 Chapter No. 2012-152

## **HUMAN TRAFFICKING, DOMESTIC VIOLENCE, VICTIMS**

### **HB 7049 Relating to Human Trafficking**

Adds violations to jurisdiction of Office of Statewide Prosecution & statewide grand jury; requires employee of massage establishment & any person performing massage therein to present, upon request of investigator, valid government identification; provides documentation requirements for operator of massage establishment; adds additional offenses to list of sexual predator & offender qualifying offenses; creates additional offenses relating to human trafficking; increases criminal penalties for certain offenses; provides for forfeiture of property used, attempted to be used, or intended to be used in violation of specified human trafficking provisions; increases criminal penalty for human smuggling; revises provisions relating to selling or buying of minors into sex trafficking or prostitution; provides additional authorization for interception of wire, oral, or electronic communications; ranks offenses on sentencing guidelines chart. Effective Date: July 1, 2012 Chapter No. 2012-97

### **HB 7093 Relating to Domestic Violence**

Defines term "coalition" as it relates to domestic violence; revises provisions relating to certification of domestic violence centers; provides duties of Florida Coalition Against Domestic Violence as it manages delivery of services to state's domestic violence program; requires coalition, rather than DCFS, to make specified annual report; requires coalition, rather than DCFS, to perform certain duties relating to certification of domestic violence centers; repeals provisions relating to certification & monitoring of batterers' intervention programs. Effective Date: July 1, 2012 Chapter No. 2012-147

### **HB 1099 Relating to Stalking**

Provides certain injunctions issued by foreign court be accorded full faith & credit; provides that person who makes threat which places another person in reasonable fear for his or her safety or safety of his or her family members or individuals closely associated with person commits aggravated stalking; requires that sentencing court consider issuing injunction restraining defendant from contact with victim for up to 10 years; provides for injunction for protection against stalking or cyberstalking; prohibits clerk of court from assessing filing fee; provides exception; authorizes court to enforce violation of injunction for protection against stalking or cyberstalking through civil or criminal contempt; authorizes state attorney to use criminal procedures for violations; provides for award of economic damages for violations; provides that person may not possess any firearm or ammunition if current final injunction restrains person from committing stalking or cyberstalking. Effective Date: October 1, 2012 Chapter No. 2012-153

### **HB 0189 Relating to Criminal Restitution**

Provides that crime victim entitled to restitution may include trade association representing owner or lawful producer of recording who sustains loss as result of physical piracy; provides limitation of restitution obligation to specifically exclude acts of online piracy; defines "trade association." Effective Date: October 1, 2012 Chapter No. 2012-17

## **FIREARMS**

**HB 0463 Relating to Weapons or Firearms**

Provides that otherwise qualified members & veterans of U.S. Armed Forces be issued concealed weapon or firearm license regardless of age in certain circumstances; provides additional methods for taking of fingerprints from such license applicants; provides that members & veterans of U.S. Armed Forces be granted reciprocity regardless of age; prohibits reckless or negligent discharge of firearm in certain locations; provides criminal penalties. Effective Date: April 13, 2012 Chapter No. 2012-108

**HB 0947 Relating to Possession of a Firearm or Destructive Device During Commission of an Offense**

Provides that exception to 10-year minimum term for persons convicted of certain offenses during which person actually possessed firearm or destructive device does not to apply to offenders convicted for possession of firearm by felon who have certain prior convictions & actually possessed firearm or destructive device during commission of prior felony. Effective Date: July 1, 2012 Chapter No. 2012-74

**HB 5601 Relating to License to Carry a Concealed Weapon or Firearm**

Reduces specified nonrefundable license fees. Effective Date: July 1, 2012 Chapter No. 2012-144

**CONTROLLED SUBSTANCES**

**SB 0186 Relating to Misdemeanor Pretrial Substance Abuse Programs**

Providing that a person who is charged with a nonviolent, non-traffic-related misdemeanor and identified as having a substance abuse problem or a person who is charged with certain other designated misdemeanor offenses, and who has previously been convicted of a felony, may qualify for participation in a misdemeanor pretrial substance abuse program, etc. Effective date: July 1, 2012 Chapter No. 2012-35

**HB 0227 Relating to Prescription Drug Abuse**

Creates Statewide Task Force on Prescription Drug Abuse & Newborns; provides purpose; provides membership of task force; provides for reimbursement of per diem & travel expenses for members of task force; requires that DLA provide task force with necessary staff; specifies date for task force's organizational session; provides meeting times; provides duties of task force; requires that task force submit reports to Legislature. Effective Date: April 19, 2012 Chapter No. 2012-120

**HB 0233 Relating to Substance Abuse Education and Intervention Programs**

Provides that probation supervision services for defendants found guilty of certain misdemeanor controlled substance offenses may be provided by licensed substance abuse education & intervention programs; authorizes certain entities providing probation services to provide licensed substance abuse education & intervention programs; requires private entities providing such programs to contract with county & comply with other applicable provisions. Effective Date: July 1, 2012 Chapter No. 2012-106

**SB 0278 Relating to Preventing Deaths from Drug-related Overdoses**

Cites this act as the "911 Good Samaritan Act;" providing that a person acting in good faith who seeks medical assistance for an individual experiencing a drug-related overdose may not be charged, prosecuted, or penalized for specified offenses in certain circumstances; providing that a person who experiences a drug-related overdose and needs medical assistance may not be charged, prosecuted, or penalized for specified offenses in certain circumstances; providing that the protections from prosecution for specified offenses are not grounds for suppression of evidence in other prosecutions; amending mitigating circumstances under which a departure from the lowest permissible criminal sentence is reasonably justified to include circumstances in which a defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose, etc. Effective date: October 1, 2012 Chapter No. 2012-36

**HB 1175 Relating to Controlled Substances**

Adds to list of Schedule I controlled substances certain specified materials, compounds, mixtures, or preparations that contain hallucinogenic substances or that contain any of these substances' salts, isomers, & salts of isomers, if existence of such salts, isomers, & salts of isomers is possible within specific chemical designation; provides reduced penalties for possession of 3 grams or less of certain such substances. Effective Date: March 23, 2012 Chapter No. 2012-23

**SB 1968 Relating to Criminal Justice**

Requiring a court to assess an additional amount against a defendant who pleads guilty or nolo contendere to, or who is convicted of, violating certain specified offenses, and if the services of a criminal analysis laboratory are used in the investigation of the offense; providing for the proceeds of the assessment to be deposited into the Operating Trust Fund of the Department of Law Enforcement and used by the statewide criminal analysis laboratory system, etc. Effective Date: October 1, 2012 Chapter No. 2012-125

**HB 1205 Relating to Drug-Free Workplaces**

Requires drug testing to be conducted within each state agency's appropriation; authorizes agencies within state government to require employees to submit to periodic random drug testing; revises provisions relating to discharging or disciplining certain employees; authorizes agency to refer employee, at employee's expense, to employee assistance program or alcohol & drug rehabilitation program if not discharged; requires employer to transfer employee to job assignment he or she can perform safely & effectively while participating in employee assistance program or alcohol & drug rehabilitation program or place employee on leave status if such position is unavailable; authorizes employee to use accumulated leave credits before being placed on leave without pay; provides that employer remains qualified for insurer rate plan that discounts rates for workers' compensation & employer's liability insurance policies if employer maintains drug-free workplace program that is broader in scope than that provided for by standards & procedures established in act; authorizes public employer to conduct random drug tests of certain employees under specified conditions; provides requirements for public sector employer assigning public sector employee to position other than mandatory-testing position. Effective Date: July 1, 2012 Chapter No. 2012-8

**HB 0787 Relating to Health Care Facilities**

Requires that urgent care center publish & post schedule of charges; requires administrator to designate, in writing, for each licensed entity, qualified alternate administrator to serve during administrator's absence; revises requirements for becoming licensed as home health agency, home medical equipment provider, or health care clinic; requires at least one specialist in multispecialty practice to be board-eligible; requires AHCA to refer criminal acts regarding operation of clinical laboratory to local law enforcement agency; provides that health services administration or equivalent major satisfies education requirements for nursing home administrator applicants. Effective Date: July 1, 2012 Chapter No. 2012-160

## **JUVENILES**

### **HB 5401 Relating to Juvenile Detention**

Provides that detention care, for purposes of provisions relating to shared county & state responsibility for juvenile detention costs, includes alternatives to secured detention. Effective Date: April 20, 2012 Chapter No. 2012-137

### **HB 1229 Relating to Reorganization of the Department of Children and Family Services**

Changes name of Department of Children & Family Services to Department of Children & Families; authorizes department to restructure its organizational units to establish circuits, which are aligned geographically with judicial circuits, & regions, which include multiple circuits in geographical proximity to each other; revises requirements relating to community alliances; deletes provisions relating to service districts, prototype region, & procurement of health services; revises mission of department; provides for appointment of Director for Substance Abuse & Mental Health to head state's Substance Abuse & Mental Health Program Office; revises provisions relating to structure of & services provided by department; revises provisions aligning boundaries of service areas for Department of Health to those of service districts of department to conform to changes made by this act; deletes authority of Governor to appoint executive director of State Office on Homelessness; provides for future legislation to conform Florida Statutes to changes made by act. Effective Date: July 1, 2012 Chapter No. 2012-84

## **TRAFFIC**

### **HB 1223 Relating to Highway Safety and Motor Vehicle**

Renames Office of Motor Carrier Compliance within Division of Florida Highway Patrol as "Office of Commercial Vehicle Enforcement"; authorizes person who is mobility impaired to use motorized wheelchair to temporarily leave sidewalk & use roadway under certain circumstances; revises safety standard requirements for bicycle helmets that must be worn by certain riders & passengers; removes condition for motorcycle or moped license plate that reads from top to bottom to be affixed perpendicular to ground; requires that owners or operators of motorcycles or mopeds with vertical tags pay any required toll by whatever means available; authorizes operation of swamp buggies on public road, highway, or street if local governmental entity has designated public road, highway, or street for such use; provides that authorization does not apply to State Highway System; provides that certain restrictions on number of consecutive hours



that commercial motor vehicle may operate do not apply to farm labor vehicle operated during state of emergency or during emergency pertaining to agriculture; requires that application for certificate of title, corrected certificate, or assignment or reassignment be filed within certain time period after consummation of sale of mobile home. Effective Date: January 1, 2013 Chapter No. 2012-181

**HB 0763 Relating to Motor Vehicle Registration**

Specifies that vehicle may not be operated after expiration of renewal period or, for natural person, after midnight on owner's birthday unless registration was renewed before then; authorizes person who has renewed vehicle registration during early registration period to apply for refund of specified license taxes upon surrendering registration license plate before end of renewal period. Effective Date: July 1, 2012 Chapter No. 2012-110

**MISCELAENOUS CRIMES AND OFFENSES**

**HB 0729 Relating to Hiring, Leasing, or Obtaining Personal Property or Equipment with Intent to Defraud**

Provides that failure to redeliver property or equipment within specified time after receiving demand for return is prima facie evidence of abandonment or refusal to redeliver property or equipment; provides that notice mailed by delivery by courier with tracking capability to address given by renter at time of rental is sufficient & equivalent to notice having been received by renter, if notice is returned undelivered; provides that failure to redeliver property or equipment after rental period expires, & after demand for return is made, is prima facie evidence of abandonment or refusal to redeliver property or equipment; provides that demand for return of overdue property or equipment & for payment of amounts due may be sent by courier service with tracking capability; provides that possession of personal property or equipment by third party does not eliminate lessee's obligation to return such property or equipment according to contract; provides exception when personal property or equipment was obtained without lessee's consent; provides that lessor of vehicle that is not returned at conclusion of lease is entitled to report vehicle as stolen. Effective Date: July 1, 2012 Chapter No. 2012-210

**HB 0653 Relating to Health Care Fraud**

Revises grounds under which DOH or corresponding board is required to refuse to admit candidate to examination & refuse to issue or renew license, certificate, or registration of health care practitioner; provides exception; provides that all persons who were denied renewal of licensure, certification, or registration under s. 456.0635(3), F.S., may regain licensure, certification, or registration only by completing application process for initial licensure; provides exception. Effective Date: July 1, 2012 Chapter No. 2012-64

**HB 0777 Relating to Criminal Penalties for Violations of Securities Laws**

Increases offense severity ranking for failing to register securities with OFR; specifies offense severity ranking for failure of dealer, associated person, or issuer of securities to register with OFR. Effective Date: July 1, 2012 Chapter No. 2012-68

### **HB 0885 Relating to Transactions by Secondhand Dealers and Secondary Metals Recyclers**

Deletes exemptions for flea market transactions & auction businesses; revises provisions relating to recordkeeping; revises requirements information recyclers must obtain & maintain; limits liability for conversion of motor vehicles to scrap metal; revises requirements for payments; provides methods of payment for restricted regulated metals property; requires that purchases of certain property be made by check or by electronic payment; prohibits secondary metals recyclers from purchasing regulated metals property, restricted regulated metals property, or ferrous metals during specified times, from certain locations, or from certain sellers; prohibits purchase of specified restricted regulated metals property without certain proof of seller's ownership & authorization; preempts to state regulation of secondary metals recyclers & purchase transactions; provides exceptions; amends provisions relating to theft of copper or other nonferrous metals from utility or communications services provider; prohibits removing copper or other nonferrous metals from electrical substation site without authorization of utility; provides civil liability & civil & criminal penalties. Effective Date: July 1, 2012 Chapter No. 2012-179

### **HB 0943 Relating to Background Screening**

Revises exemptions from background screening requirements for certain mental health personnel & law enforcement officers; eliminates rule that requires AHCA to stagger rescreening schedules; revises provisions relating to background screening for persons rendering care in consumer-directed care program; revises provisions relating to general vocational rehabilitation programs; requires registration of service providers; requires background screening & rescreening of certain persons having contact with vulnerable persons; provides exemptions; provides disqualifying offenses; provides that cost of screening shall be borne by provider or person being screened; provides conditions for denial, suspension, termination, or revocation of registration or other agreements; provides for notice; provides applicability; includes person who has access to client's personal identification information within definition of term "direct service provider"; exempts certain professionals licensed by DOH, attorneys in good standing, relatives of clients, & certain volunteers from level 2 background screening; exempts certain licensed professionals & persons from further screening; provides requirements for screening of direct service providers; requires vendors who submit fingerprints on behalf of employers to meet specified criteria; authorizes employer to hire employee to position that otherwise requires background screening before completion of screening process for purpose of training employee; prohibits employee from having direct contact with vulnerable persons until screening process is complete; creates Care Provider Background Screening Clearinghouse under AHCA, in consultation with FDLE; provides for specified agencies to share results of criminal history checks; provides exemption for certain employees who have undergone criminal history check before clearinghouse is operational; requires application for initial licensure or license renewal in profession regulated by DOH to include fingerprints submitted by approved vendor after specified date; requires applicant to pay costs of fingerprint processing; Effective Date: April 6, 2012 Chapter No. 2012-73

### **HB 1323 Relating to Metal Theft**

Increases criminal penalties for specified violations relating to secondary metals recycling; provides increased criminal penalties for third & subsequent criminal violations; prohibits removing copper or other nonferrous metals from electrical substation site without authorization of utility. Effective Date: October 1, 2012 Chapter No. 2012-185

### **HB 1383 Relating to Fish and Wildlife Conservation Commission**

Transfers & reassigns functions & responsibilities of Division of Law Enforcement, excluding Bureau of Emergency Response, within DEP to Division of Law Enforcement within FWCC; transfers & reassigns functions & responsibilities of specific positions within DACS to Division of Law Enforcement within FWCC; provides for transition advisory working groups; provides authority for enforcement of certain laws & rules of DEP & DACS to FWCC; confers full power to law enforcement officers of FWCC to enforce certain rules; authorizes retention & transfer of benefits for certain employees. Effective Date: July 1, 2012Chapter No. 2012-88

## **COURTS AND CLERKS**

### **SB 1960 Relating to State Judicial System**

Authorizing the chief judge of the circuit to limit the number of attorneys on the circuit registry list; revising the procedures by which a regional conflict counsel is appointed by the Governor; providing that, if a regional counsel is unable to complete a full term in office, the Governor may immediately appoint an interim regional counsel to serve as regional counsel for that district until a new regional counsel is appointed; requiring the Florida Supreme Court Judicial Nominating Commission to provide the Governor with a list of nominees for appointment within 6 months after the date of a vacancy; authorizing a county and the Statewide Guardian Ad Litem Office to enter into an agreement whereby the county provides funding to the office in order to employ additional guardian ad litem personnel to serve in the county, etc. Effective Date: July 1, 2012Chapter No. 2012-123

### **SB 1964 Relating to Court-related Assessments**

Providing for a monetary assessment mandated by statute to be imposed regardless of whether the assessment is announced in open court; requiring the clerks of court to develop a uniform form to be used in identifying and imposing mandatory assessments; revising requirements for the clerks of court to report on the assessment and collection of certain fines or other monetary penalties, fees, costs, and charges; requiring the clerks, rather than the Department of Financial Services, to develop a reporting form; providing for the clerks to consult with the Office of the State Courts Administrator in developing the form and guidelines governing the reporting of amounts assessed and collected, etc. Effective Date: July 1, 2012Chapter No. 2012-124

### **HB 5403 Relating to State Court Revenues**

Redirects revenue from filing fees for certain civil actions in circuit court relating to real property or mortgage foreclosure from State Courts Revenue Trust Fund to General Revenue Fund; revises distribution of portion of filing fees received for certain civil actions in circuit court relating to real property or mortgage foreclosure. Effective Date: June 1, 2012 Chapter No. 2012-138

### **HB 7095 Relating to Clerks of Court**

Authorizes rather than requires clerk to review records to determine whether applicant for public defender is indigent; requires clerks to use specified system & submit data based on designated case types; revises provisions relating to fees to reopen proceedings; requires clerk to pursue collection of fees; authorizes charge for electronic certified copy of summons; requires rescheduling fee if sale of property is rescheduled by plaintiff; revises provisions relating to juries; provides that action to collect court costs or fines owed to state may be commenced at any time; requires clerk to notify Commission on Ethics of certain proceedings; requires state agencies that issue business or professional licenses to obtain information relating to criminal convictions of licensees; authorizes court to require defendant to pay costs pursuant to payment plan; provides that judgment & related costs are civil lien against real or personal property if judgment recorded; requires, as condition of parole, payment of fines, fees, or other court-ordered costs; revises provisions relating to suspension, revocation, & reinstatement of professional licenses due to convictions for certain criminal offenses. Effective Date: July 1, 2012 Chapter No. 2012-100

## **BUDGET/RETIREMENT**

**HB 5003 Relating to Implementing the 2012-2013 General Appropriations Act** Implements 2012-2013 GAA; incorporates by reference certain calculations of Florida Education Finance Program for 2012-2013 fiscal year; authorizes transfer of funds between appropriation categories to fund fixed capital outlay projects for charter schools upon certain approval; authorizes university board of trustees to expend reserve or carryforward balances for establishment of new campus; provides requirements to govern completion of Phase 2 & Phase 3 of DOH's Florida Onsite Sewage Nitrogen Reduction Strategies Study; prohibits any state agency from adopting or implementing rule or policy mandating or establishing new nitrogen-reduction limits under certain circumstances; provides for organizational units called "circuits" & "regions" in DCFS; authorizes AHCA to provide Medicaid prepaid dental health program in Miami-Dade County; authorizes DOC to submit budget amendment for additional positions to operate additional prison bed capacity under certain circumstances; authorizes municipality to expend funds from its special law enforcement trust fund to reimburse municipality's general fund; provides for trust fund loans to state court system sufficient to meet its appropriation; allows funds from State Agency Law Enforcement Radio System Trust Fund to be used for mutual aid buildout maintenance & sustainment & interoperability network; requires DMS to use certain interest earnings to fund administration of MyFlorida.com portal, etc. Effective Date: July 1, 2012 Chapter No. 2012-119

### **HB 5005 Relating to Retirement**

Retirement; Revises employer contributions for members of FRS who are employees of public community colleges or charter technical career centers sponsored by public community colleges on certain date; revises employer contributions for members of Senior Management Service Class of FRS on certain date; revises employer contributions for members of optional retirement program for State University System on certain date; revises required employer retirement contribution rates for members of each membership class & subclass of FRS; revises allocations from FRS Contributions Clearing Trust Fund to investment plan member accounts on certain date; revises employer contributions for members of State Community College System

Optional Retirement Program on certain date; provides that act fulfills important state interest. Effective Date: July 1, 2012 Chapter No. 2012-146

## **PUBLIC RECORDS**

### **SB 0446 Relating to OGSR/Insurance Claim Data Exchange Information/Past Due Child Support**

Amending provisions relating to a public records exemption for insurance claim data exchange information used for identifying parents who owe past due child support; saving the exemption from repeal under the Open Government Sunset Review Act; removing the scheduled repeal of the exemption, etc. Effective date: October 1, 2012

Chapter No. 2012-200

### **HB 1089 Relating to Pub. Rec./Agency Personnel Information**

Provides exemption from public records requirements for personal identifying & location information of current & former investigators & inspectors of DBPR & spouses & children of such investigators & inspectors; provides condition to exemption; provides for future review & repeal of exemption; provides exemption from public record requirements for personal identifying & location information of county tax collectors & spouses & children of such tax collectors; provides condition to exemption; provides for future review & repeal of exemption; provides statement of public necessity. Effective Date: May 4, 2012 Chapter No. 2012-214

### **HB 7105 Relating to OGSR/Florida Workers' Compensation Joint Underwriting Association, Inc.**

Removes from scheduled repeal under Open Government Sunset Review Act exemption from public records requirements for certain records held by Florida Workers' Compensation Joint Underwriting Association, Inc., & exemption from public meetings requirements for certain meetings of association's board of governors, or subcommittee of association's board; clarifies that public record exemption applies to medical information relating to medical condition or medical status of individual. Effective Date: October 1, 2012 Chapter No. 2012-224

### **HB 7107 Relating to OGSR/Consumer Complaints and Inquiries**

Eliminates scheduled repeal under Open Government Sunset Review Act of exemption from public records requirements for certain records relating to consumer complaints & inquiries regarding matters or activities regulated under Florida Insurance Code or Employee Assistance & Ombudsman Office within DFS; provides additional exception to exemption. Effective Date: October 1, 2012 Chapter No. 2012-225

### **HB 7111 Relating to OGSR/Unclaimed Property**

Removes exception to exemption from public records requirements for social security numbers & property identifiers contained in reports of unclaimed property; provides for future legislative review & repeal of exemption; provides statement of public necessity. Effective Date: May 4, 2012 Chapter No. 2012-227

**HB 0629 Relating to Pub. Rec./Agency Personnel Information/Dates of Birth**

Includes dates of birth within types of personal identifying information of specified agency personnel & spouses & children of such personnel that are exempt from public records requirements for specified agency personnel; clarifies exemption for personal identifying information of active or former law enforcement personnel & spouses & children thereof; revises exemption for personal identifying & location information of Supreme Court justices, district court of appeal judges, circuit court judges, & county court judges, & spouses & children of such justices & judges, to include former Supreme Court justices, district court of appeal judges, circuit court judges, & county court judges, & spouses & children thereof; provides for retroactive application of exemptions; provides for future legislative review & repeal of exemptions; defines term "telephone numbers"; provides statement of public necessity. Effective Date: October 1, 2012Chapter No. 2012-149

**HB 1193 Relating to Pub. Rec./Victims of Violence**

Provides exemptions from public records requirements for personal identifying & location information of victims of domestic violence, repeat violence, sexual violence, & dating violence held by clerks & law enforcement agencies in conjunction with automated process developed by Florida Association of Court Clerks & Comptrollers by which petitioner may request notification of service of injunction for protection; provides that exemption is conditional upon petitioner's request; provides specified duration of exemption; provides for access by state or federal agencies in furtherance of agencies' statutory duties; provides for future review & repeal of exemptions; provides statement of public necessity. Effective Date: October 1, 2012Chapter No. 2012-154

**HB 1305 Relating to Pub. Rec./Officers-Elect**

Declares that it is policy of this state that provisions of state's public records laws apply to certain constitutional officers upon their election to public office; requires that such officers adopt & implement reasonable measures to ensure compliance with public records obligations; requires that public records of such officers be maintained in accordance with policies & procedures of public offices to which elected; requires that online & electronic communication & recordkeeping systems preserve records on such systems; requires that such officers timely deliver all public records kept or received in transaction of official business during period following election to public office; revises public meeting requirements to apply such requirements to meetings with or attended by newly elected members of boards & commissions. Effective Date: July 1, 2012Chapter No. 2012-25

Special thanks to LobbyTools.

Copies of bills can be downloaded from Online Sunshine at [www.leg.state.fl.us](http://www.leg.state.fl.us)