

LAW ENFORCEMENT NEWSLETTER

September 2015

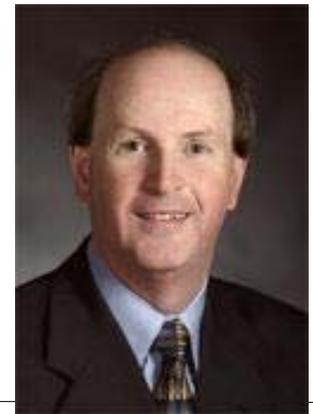
A MESSAGE FROM BILL CERVONE STATE ATTORNEY

As we do each Fall, this issue of the Legal Bulletin is primarily devoted to legislation from the 2015 session that is of interest to or impacts criminal justice issues. You will find a brief summary of those bills along with their session number, with which you can look up the entire bill on any of several websites. You are also welcome to contact the SAO and

we'll provide you with the complete text if you need it. Please understand that these summaries are intended to be just that - a summary to alert you about something that might be new or changed. You should always review the entire body of a statute before acting on it.

The 2016 session will start earlier than usual because next year

is an election year and legislators don't want to be in session deep into the spring when they might prefer to be campaigning. Given last year's acrimony and what has happened so far with various special sessions dealing with budget and re-districting matters it's debatable what will happen next session. Law enforcement interests need to pay attention, however, to bills that did not survive last year and that are being introduced again. For example, measures affecting the direct filing of adult charges against some juveniles, firearms on campuses, and expungement and record sealing are certain to be up for action. I would encourage all of you and your associations to monitor and be involved with these.



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We're on the web:
Www.sao8.org

REMINDER:
LAW ENFORCEMENT
NEWSLETTER NOW ON-LINE

The Law Enforcement Newsletter is now available on-line, including old issues beginning with calendar year 2000. To access the Law Enforcement Newsletter go to the SAO website at <www.sao8.org> and click on the "Law Enforcement Newsletter" box.

CONGRATULATIONS TO...

...ASA Jon Ramsey, who received the MADD Prosecutor of Excellence award for NE Florida in June.

...Alachua Police Department Chief Joel DeCoursey, Jr., who retired in June after many years as a part of our law enforcement community with the University Police Department and the Alachua County Sheriff's Department prior to becoming Chief at APD.

...New Alachua Police Department Chief Chad Scott, who replaces Chief DeCoursey.

...Gainesville Police Department Chief Tony Jones, who received the United States Department of Defense Patriot Award for his support of GPD personnel who serve in the National Guard and Reserves.

...ASA Dan Owen, who welcomed his second child, daughter Ryleigh, on August 15th.

SAO Staff Changes

ASA Julie Fine resigned from her position in the Gainesville felony division in June. Julie has decided to re-locate to Las Vegas, Nevada. ASA Jon Turner resigned in July to return to private practice in Gainesville. ASA Wayne Ferguson also resigned in July and will be joining a civil firm in West Palm Beach. ASA Lindsay Morauer leaves the office in September to join the JAG Corps.

ASA Josh Wright has been re-assigned to the Gainesville Felony Division to take Julie Fine's caseload

New to the SAO are Ryan Negal,

who started in June, Brooke King and John Kelly, who both started in August, and Zouzouko Duhalehi, who joins the office in September. Ryan, Brooke and John are May graduates of the University of Florida Law School. Ryan and Brooke interned at the SAO before graduating. Zou has been practicing in Tampa for the last year after graduating from UF in 2014. All four will be in the Gainesville County Court division.

In Baker County, ASA Macon Jones resigned at the end of August. Macon has decided to pursue other legal work in the area of employment law and will be working for CSX.

US SUPREME COURT EXPANDS CHILD HEARSAY EXCEPTION



Any changes in agency email addresses should be reported to our office at clendeninp@sao8.org.

For a copy of the complete text of any of the cases mentioned in this or an earlier issue of the Legal Bulletin, please call Chief Investigator Paul Clendenin at the SAO at 352-374-3670.

In an important case issued in June, the United States Supreme Court announced a significant expansion of law enforcement's ability to use child hearsay statements in prosecuting abuse cases. The case, Ohio v Clark, addresses the concept of Confrontation Clause violations, under which for the last several years various categories of hearsay that were formerly allowed into evidence as an exception have been prohibited.

In the case, Darius Clark sent his girlfriend, who he pimped, out of town to engage in prostitution. He kept her two young children in her absence. One, age 3, went to day care and was found with various bruises and marks that alarmed teachers. When asked by the teachers what had happened, he implicated Clark as having beaten him. Under the Supreme Court's 2004 case of Crawford v Washington, the hearsay statements of the child to his teachers in which he said that Clark had beaten him were ruled inadmissible by the Ohio Supreme Court, which found them to be "testimonial" in nature. Testimonial hearsay statements, meaning those are intended to substitute for live testimony, are what the Crawford case prohibits because under the Confrontation Clause the defendant cannot confront his accuser.

In reversing the Ohio courts, the Supreme Court due a distinction between statements such as made by a child to a teacher who is concerned about potential abuse and other forms of hearsay, concluding that such statements are not being made for the purpose of building a criminal case but rather exist

for another purpose, specifically gathering information with which to protect a child from abuse. As such, these statements are more akin to other forms of emergency situations where the purpose of the statement is to solve a crisis. One example of this kind of exception is a 911 call, which is not considered testimonial because of its emergency nature.

The Court made several other important observations as well. These include that statements such as this are being made to a teacher, not to a law enforcement officer, and by a young child who would have no understanding of the accusatory nature of what was being said or the potential criminal implications involved.

What this means to investigators and prosecutors is that statements regarding abuse that are made, certainly to teachers and likely to other non-police caregivers or guardians, are likely to be useable as evidence. Care should be taken to document these statements when they result in a report to law enforcement. They are likely to become features at trial and may well carry the weight of the case, not to mention allowing prosecutors to avoid traumatizing victims by forcing them to testify in person.

**STATE ATTORNEY BILL CERVONE
AND STATE REPRESENTATIVE DAVID KERNER
FORMERLY OF THE HIGH SPRINGS POLICE DEPARTMENT
WHO RECEIVED THE
FLORIDA PROSECUTING ATTORNEYS ASSOCIATION'S HOUSE LEADERSHIP AWARD
IN AUGUST FOR HIS SUPPORT OF
LAW ENFORCEMENT ISSUES IN TALLAHASSEE**



FDLE DNA DATABASE

As many of you may have seen, the FBI notified the forensic community earlier this year that errors in their database, which is used by FDLE to calculate DNA profile frequencies and determine the degree of a profile match, had been identified. The database at issue was used by FDLE from roughly 1999 to 2012.

FDLE has now completed an assessment of the corrected data and its impact and concluded that a potential shift of about 5% could be expected. Given the large numbers usually involved, this is within the

potential deviation already acknowledged by FDLE for the timeframes involved and therefore of negligible or minimal effect. Since FDLE rounds its report numbers down, the potential impact of any change is even smaller. As an illustration, the corrected data could change a match number from 1 in 2 Million to 1 in 1.9 Million. The error could, of course, also have enlarged the result, but again only within a negligible and conceded range.

As a result, FDLE is not performing re-calculations of previous statistics. Additionally, the database used by FDLE since

2012 is not affected by the error the FBI has identified, so there is no issue going forward.

What this means is that there is no real cause for alarm because of the reported errors in the FBI database. There may be defense complaints and motions but they will likely come to nothing.

The SAO Is Now On Twitter

The SAO has established a Twitter feed to better disseminate information to the media and others such as law enforcement agencies. Like us at #8THCIRCUITSAO. For more information contact Deputy Chief Investigator Darry Lloyd at 352-374-3670.



ASA JON RAMSEY RECEIVES THE MADD PROSECUTOR AWARD OF EXCELLENCE 2014



LEGISLATIVE UPDATE 2015

Robin Arnold, Assistant State Attorney
5TH Judicial Circuit—Ocala

CHILD PROTECTION

HB 1055 – Child Protection Ch. Law 2015-1777/1/2015

Amends section 39.2015 to require that a critical incident rapid response team include at a minimum, a child protection team medical director. Outlines qualifications of child protection team medical directors and medical personnel participating on child protection team.

CS/SB 7078 Ch. Law 2015-79 7/1/2015

Addresses state and local child abuse death review committees working cooperatively. Provides for more standardized meeting and reporting of those committees. Amends F.S. 1006.061 to require posting in a prominent place in schools a sign in English and Spanish containing the statewide toll-free central abuse hotline number, directions for accessing the DCF internet website, and instructions to call 911 in emergencies.

SB 7032 Ch. Law 2015-77 5/21/2015

Amends section 383.412 to exempt from public records and make confidential any information held by the State Child Abuse Death Review Committee or local committees which reveals the identity of the surviving siblings of a deceased child whose death occurred as a result of a verified report of abuse or neglect. Also declares confidential and exempt the identity of surviving siblings, family members or others living in the home where child's death reported but determined not to be result of abuse or neglect. Information may be shared with governmental agencies in furtherance of their duties.

CS/SB 954-Involuntary Examinations of Minors Ch. Law 2015-67 7/1/2015

Amends section 381.0056 to require immediate notification by school to a student's parent, guardian or caregiver where a student is removed from school and taken for involuntary examination. Amends section 394.4599 to require a receiving facility to immediately notify parent, guardian, caregiver of the whereabouts of a minor being involuntarily held and providing exceptions to the immediate notification requirement.

COMMUNICATIONS

HB 7001 – Intercepting wire/oral communications Ch. Law 2015-82 7/1/2015

Amends 934.03 to allow child under 18 to intercept and record an oral communication if the child is a party to the communication and has reasonable grounds to believe that the recording will capture a statement by another party who has committed, is committing or intends to commit an unlawful sexual act or unlawful act of violence against the child which is a felony.

CONCEALED WEAPONS/FIREARMS

CS/SB 290 Ch. Law 2015-44 5/21/2015

Amends 790.01 to provide an exemption from criminal penalties for carrying a concealed weapon or firearm when evacuating pursuant to a mandatory evacuation order during declared state of emergency.

CONTROLLED SUBSTANCES

HB 897 – Controlled Substances Ch. Law 2015-34 5/14/2015

Five new synthetic cannabinoids are added to Schedule I controlled substances list. Those five substances are also added to related criminal penalties statutes.

AB-CHMINACA: N-[1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide

FUB-PB-22: Quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate

Fluoro-NNEI: 1-(Fluoropentyl)-N-(naphthalen-1-yl)-1H-indole-3-carboxamide

Fluoro-AMB: Methyl 2-(1-(fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate

THJ-2201: [1-(5-Fluoropentyl)-1H-indazol-3-yl](naphthalene-1-yl)methanone

HB 21- Substance Abuse Services Ch. Law 2015-1007/1/2015

Creates certification for "Recovery Residences" – peer supported, alcohol-free, and drug-free living environment. Creates First Degree Misdemeanor offense for advertising as a "Certified Recovery Residence" or "Certified Recovery Residence Administrator" without having proper certificate of compliance. F.S. 397.487(9), 397.4871(7)

HB-0751 – Emergency Treatment for Opioid Overdose Ch. Law 2015-1236/10/2015

Creates section 381.887, which authorizes certain health care professional and law enforcement to store and dispense emergency opioid antagonist to a patient or caregiver under certain circumstances.

DRONES

SB 766 – Surveillance by a Drone Ch. Law 2015-26 7/1/2015

Amends section 934.50, to prohibit a person, state agency or political subdivision from using a drone to record an image of privately owned real property or of the owner, tenant, occupant, invitee or licensee of such property with intent to conduct surveillance where reasonable expectation of privacy exists without written consent. Authorizes civil action and damages.

FALSE OR FRAUDULENT PRACTICES

HB 157 – Relating to Fraud Ch. Law 2015-166 10/1/2015

Creates section 817.011 defining “business entity” for purposes of chapter 817. Amends section 817.02 to expand definition of crime of Obtaining Property by False Personation to include conduct which damages the credit rating of the victim. Expands restitution awards for victims of identity theft. Creates section 817.032, providing a procedure for victims of identity theft to obtain documentation from businesses/lenders free of charge. Creates section 817.414, new misdemeanor offense for Sale of Counterfeit Security Signs and Decals. Expands conduct prohibited by section 817.569, criminal use of a public record, to include “providing false information that becomes part of a public record.”

HB 1127 – Insurance Fraud Ch. Law 2015-179 10/1/2015

Section 400.993 relating to criminal penalties applicable to unlicensed health care clinics. Section 400.9935 amended to include criminal penalties for unlawful claims by unlicensed clinics, operating an unlicensed clinic, filing a false license application or failing to report information. Provides for increased penalties for second or subsequent violations.

SB 1010 – False Personation Ch. Law 2015-29 10/1/2015

Amends section 843.08 to Add firefighters and fire or arson investigators to the list of officials who are prohibited from being falsely personated. Amends section 843.085 to prohibit use of badges or indicia of authority bearing words “fire department,” and prohibits owning or operating vehicles marked “fire department.”

FISH AND WILDLIFE, OTHER ANIMAL RELATED LAWS

HB7021 - Fish and Wildlife Ch. Law 2015-1616/11/2015

Creates section 379.412 providing penalties for violation of FWC rule regarding feeding wildlife and freshwater fish with food or garbage, attracting or enticing wildlife or freshwater fish with food or garbage, or allowing the placement of food or garbage in a manner that attracts or entices wildlife or freshwater fish. Allows civil fine for first offense.

HB 0071 – Service Animals Ch. Law 2015-1307/1/2015

Amends section 413.08 revising definitions related to service animals to include physical and mental impairments. For certain provisions limits definition of “service animal” to dog or miniature horse. Creates second degree misdemeanor offense for knowingly and willfully misrepresenting oneself as using or being qualified to use a service animal.

CS/SB 420 – Animal Control Ch. Law 2015-18 7/1/2015

Provides a procedure for adopting or humanely disposing of impounded stray livestock, except cattle, as an alternative to sale or auction. Requires county animal control center to establish fees and be responsible for damages caused while impounding livestock. Authorizes certain municipal animal control officers to take custody of an animal found neglected or cruelly treated or to order the owner of such animal to provide certain care at the owner’s expense.

HB 239 – Medication and Testing of Racing Animals Ch. Law 2015-88 7/1/2015

Revises provisions that prohibit the use of certain medications or substances on racing animals and penalties for such use. (section 550.2415). Prosecution for violation of section must begin within 90 days after violation was committed.

GUARDIANS

HB 0005 – Guardianship Ch. Law 2015-83 7/1/2015

Amends section 709.2109 to require a motion be filed for termination or suspension of power of attorney when guardianship proceeding instituted. Amends sections of chapter 744 regarding various procedures in guardianship: allowing for the appointment of Criminal Conflict and Civil Regional Counsel to be appointed as court monitor; allowing reasonable compensation be awarded without expert testimony; revising duties of guardian and procedure for determining incapacity and restoration of capacity. Creates section 744.359 regarding Abuse, Neglect or Exploitation by a Guardian to be interpreted in conformity with section 825.103

CS/SB 437-Dependent Children with Special Needs Ch. Law 2015-1127/1/2015

“Regis Little Act to Protect Children with Special Needs” – requires an updated cast plan developed in a face-to-face conference with the child, if appropriate, and other specified persons; providing jurisdiction for guardianship court to appoint guardian advocate and setting forth guardianship procedures for minors with special needs who have attained certain ages.

HUMAN TRAFFICKING

HB 0369 – Human Trafficking Awareness Ch. Law 2015-1726/6/2015

F.S. 787.29: Human trafficking public awareness signs to be displayed in certain locations Authorizes counties to adopt ordinances to enforce provisions related to the bill, with a violation being a noncriminal violation with maximum fine of \$500.00

HB 0465 – Human Trafficking Ch. Law 2015-14410/1/2015

Amends section 796.07 to increase criminal penalties for soliciting, inducing, enticing or procuring another to commit prostitution. First offense – 1st degree misdemeanor; second offense – 3rd degree felony; third or subsequent violation – 2nd degree felony. Mandatory 100 hours community service, minimum mandatory 10 days in jail for second or subsequent violation, allows for impoundment or immobilization of vehicle used. Amends 943.0583 to allow an advocate for a state attorney's office or law enforcement agency to be present with a petitioner seeking expunction of human trafficking arrests.

HB 0467 – Public Records Human Trafficking Victims Ch. Law 2015-14510/1/2015

Amends sections 119.071(2)h and 943.0583 to expand definition of active criminal intelligence and investigative information exemption to include identity of child victims of human trafficking and all victims of sex trafficking.

JUVENILE JUSTICE

CS/SB 378 – Juvenile Justice Ch. Law 2015-46 10/1/2015

Amends civil citation process for juvenile misdemeanants to include simple warning, informing the child's parents, requiring participation in a diversion program as options for law enforcement. Civil citations not limited to first –time misdemeanors. Can be used in up to two subsequent misdemeanors.

LAW ENFORCEMENT

SB 526 – Notaries Public Ch. Law 2015-23 7/1/2015

Amends sections 92.525 and 117.10 to allow LEO engaged in the performance of official duties to administer an oath either through electronic means or in the physical presence of a person who swears or affirms to an affidavit

HB 0201 – Diabetes Awareness Training for LEOs Ch. Law 2015-16810/1/2015

Creates section 943.1726, requiring training for LEOs including recognition of symptoms of diabetic emergency, and distinguishing such an emergency from alcohol intoxication or drug overdose.

HB 371 – Agency Inspectors General Ch. Law 2015-1737/1/2015

Amends section 20.055 regarding how Agency Inspectors General are selected and the qualifications necessary for selection. Provides for all state contracts to include provision that the contractor will cooperate with IG. Amends section 14.32 to all Inspectors General to issue subpoenas and subpoenas *duces tecum* relating to investigations.

PUBLIC RECORDS

CS/SB 248 – Body Camera Recordings Ch. Law 2015-41 7/1/2015

Creates an exemption under 119.071 from public records for law enforcement body camera recordings taken inside a private residence, medical facility, or place where person has an expectation of privacy. Provides circumstances under which and to whom the recordings may be and shall be disclosed.

CS/SB 200 – Tax Collector Emails Ch. Law 2015-13 7/1/2015

Creates an exemption under 119.071 for taxpayer's email addresses held by the tax collector for purposes of notifying taxpayers for various purposes. (F.S. 197.3225)

CS/SB 7040 – DHSMV Emails Ch. Law 2015-32 7/1/2015

Creates exemption under 119.0712 for email addresses collected by the Department of Highway Safety and Motor Vehicles while conducting driver license and motor vehicle record transactions.

HB 185 – Service Members Ch. Law 2015-86 10/1/2015

Creates exemption under 119.071 for identification and location information of service members and their spouses and dependents. Service member must submit to custodial agency written request to protect the information.

HB 7061 – RICO Ch. Law 2015-99 7/1/2015

Creates exemption related to investigations of violations of Florida RICO Act.

CS/SB 144 – Impaired Practitioner Consultants Ch. Law 2015-37 5/21/2015

Creates exemption under 119.071 from public records for certain identification and location information of current or former impaired practitioner consultants.

PUBLIC RECORDS continued

CS/SB 7034 – Stalking Victims Ch. Law 2015-78 10/1/2015

Exemption for identification information for victims of stalking and aggravated stalking reenacted and renumbered: Section 741.4651, Florida Statutes.

HB 0469 – Facilities Serving Victims of Sexual Exploitation Ch. Law 2015-147 10/1/2015

Creates exemption for information about the location of safe houses, safe foster homes or other residential facilities serving child victims of sexual exploitation and adult victims of sex trafficking.

CS/SB 646 – Florida Prepaid and ABLE Ch. Law 2015-58 5/21/2015

Creates section 1009.987 providing for public records exemption for certain personal financial and health information held by the Florida Prepaid College Board, the Florida ABLE, Inc., or the Florida ABLE program.

CS/SB 716 – Animal Records Ch. Law 2015-62 7/1/2015

Creates section 474.2167 providing for public records exemption for certain animal medical records held by state colleges of veterinary medicine.

HB0007 – Claim Settlement on Behalf of Minor Ch. Law 2015-84 7/1/2015

Amends section 744.3701 to provide a public records exemption for records relating to the settlement of a claim on behalf of a minor. Such records are confidential and may only be disclosed upon application and a showing of good cause in certain circumstances.

SENTENCING

HB 115 – Relating to Sentencing Ch. Law 2015-131 10/1/2015

Amends definition of “victim” in section 775.089 relating to restitution in criminal cases to include governmental entities and political subdivisions when such entities are a direct victim of the defendant’s offense or criminal episode and not merely providing public services in response to the offense or criminal episode.

Amends Bribery; Misuse of Public Office chapter (828.23) and Offenses by Public Officers chapter (839.27) to require the sentencing judge to order restitution and 250 hours of community service in addition to any fine or sentence imposed.

SEX OFFENSES

HB 133-Sexual Offenses Ch. Law 2015-132 7/1/2015

Amends section 775.15 regarding time limitations for criminal prosecution of certain sexual offenses. Prosecution for first or second degree felony violation of 794.011 where victim is 16 or older (was 18) reported within 72 hours of commission may be commenced at any time. Statute of limitations 8 years (instead of 4) for other first or second degree felony violations of 794.011. Outlines penalties for minors violating “sexting” statute.

CS/SB 538-Sexual Cyberharassment Ch. Law 2015-24 10/1/2015

Creates section 784.049 to prohibit publishing a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person to an Internet website without the depicted person’s consent, with intent of causing substantial emotion distress. First Degree Misdemeanor first offense; second or subsequent conviction is Third Degree Felony.

SUBPOENAS

SB 672- Service of Process Ch. Law 2015-59 7/1/2015

Amends F.S. 48.031(3) to allow subpoenas/summons for criminal depositions to be posted by process server at witness’s residence if one attempt to serve has failed if posted at least 5 days before the required appearance.

SB 570- Witness subpoenas Ch. Law 2015-51 7/1/2015

Amends section 48.031 to allow service of process by mail for witnesses in civil traffic cases.

TRACKING DEVICES

HB 0197 – Tracking Devices Ch. Law 2015-136 10/1/2015

Creates section 934.425 prohibiting the installation of a tracking device or tracking application without a person’s consent. Does not apply to LEOs lawfully installing tracking device as part of a criminal investigation, parents tracking children under certain circumstances, caregivers to elderly person or disabled adult under certain circumstances, etc. Second degree misdemeanor for violation of the prohibition.

TRAFFIC

HB 7055 – Highway Safety and Motor Vehicles Ch. Law 2015-163 10/1/2015

Requires 18 inch square (instead of 12) red flag on all loads that extend four feet or more beyond a vehicle's perimeter. Increases fine for unlawful display of vehicles for sale, hire or rental from \$100 to \$500

HB 0027 – Driver Licenses Ch. Law 2015-85 7/1/2015

Military Identification cards may be used as documentation for Florida Driver License or Identification Card. Authorizes "Veteran" to be printed in place of "V" to indicate status.

CS/SB 160 – Rural Letter Carriers Ch. Law 2015-81 5/22/2105

Rural letter carriers not required to wear seat belt on designated postal route. F.S. 316.614

SB 264 – Traffic Enforcement Ch. Law 2015-15 7/1/2015

Prohibits counties and municipalities from establishing traffic citation quotas and creates a reporting requirement if their total revenue from traffic citations exceeds 33 percent.

MISCELLANEOUS – and JUST BECAUSE...

HB 0305 – Transient Occupant Ch. Law 2015-89 7/1/2015

Creates section 82.045, providing remedy to remove an unwanted guest from residential property. Law enforcement officers may direct removal of a "transient occupant" upon receipt of a sworn affidavit of person entitled to possession. A person who fails to comply with directive of LEO violates trespass statute. State not required to prove offender's status as "transient occupant" under this circumstance.

SB 342 – No Contact Orders Ch. Law 2015-17 10/1/2015

Amends section 904.047, to provide that "no contact" orders are effective immediately and enforceable for the duration of the pretrial release or until modified by the Court. Defines "no contact," unless otherwise specified by the Court, to include communicating orally, in writing, telephonically, electronically, etc.; having physical or violent contact with victim or victim's property; being within 500 feet of victim's residence; being within 500 feet of victim's vehicle, place of employment, or specified place frequented by the victim.

CS/HB 775 – Appointment of Ad Litem Ch. Law 2015-95 7/1/2015

Creates section 49.31, defining "ad litem;" authorizing the court to appoint an ad litem for party upon whom service of process by publication is made; and prohibiting court from appointing ad litem in certain circumstances.

HB 1069 – Defendant's in Specialized Courts Ch. Law 2015-178 7/1/2015

Amends section 910.035 providing for transfer of cases to a "problem solving court" in another county where all parties agree to the transfer and outlining procedure for such transfer.

HB 0541 – Relating to Athletic Trainers Ch. Law 2015-116 1/1/2016

Amends section 468.701 defining "Athletic trainer" and "Athletic Training." Amends sections 468.713 outlining responsibilities of an athletic trainer, and section 468.715 prohibiting sexual misconduct by athletic trainers. First degree misdemeanor violation for practicing athletic training or using title without being licensed.

CS/HB 641 – Amusement Games or Machines Ch. Law 2015 7/1/2015

Creates section 546.10 defining terms and providing for operation of an amusement game or machine pursuant to specific requirements. Second degree misdemeanor for first violation of requirements of chapter; first degree misdemeanor for second violation of chapter. With third offense deemed "common offender" and commits 3rd degree felony. F.S. 849.161 repealed.

CS/SB 222 – Computer Abuse and Data Recovery Ch. Law 2015-14 10/1/2015

Creates sections 668.801-668.805, defining terms and prohibiting a person from knowingly and with intent to cause harm committing specified acts with regard to a protected computer. Provides for civil remedies, and specifies that certain activity by government or law enforcement agencies is not prohibited by the statute.

HB 0697 – Public Health Emergencies Ch. Law 2015-120 7/1/2015

Amends chapter 381, to allow LEO to immediately enforce isolation and quarantine orders issued by the Department of Health. Creates misdemeanor offenses for violation of an isolation order and for falsely claiming to have contracted a communicable disease to a health care provider or LEO during declared public health emergency. F.S. 817.50

HB 321 – HIV Testing Ch. Law 2015-110 7/1/2015

Revises and provides definitions; specifies notification and consent procedure for performing HIV tests in health care and non-health care settings.

HB 0279 – Pharmacy Ch. Law 2015-108 7/1/2015

Revises which vaccines may be administered by pharmacist, provides for registered intern to administer vaccines under supervision of pharmacist.

MISCELLANEOUS – and JUST BECAUSE...

HB 225 – All-American Flag Act

Ch. Law 2015-137 7/1/2015

Requires U.S. or State flag (and all materials making up the flag) that is purchased on or after Jan 1, 2016 by the state, county or municipality to be made in the U.S. (F.S. 256.041)

HB 0439 – Department of Legal Affairs

Ch. Law 2015-92 7/1/2015

Expands section 960.03 definition of “crime” for purposes of crimes compensation to include a forcible felony committed by an adult or juvenile which directly results in psychiatric or psychological injury, fleeing or attempting to elude which results in physical injury or death. Provides for relocation assistance for victims of human trafficking.

SB 0982 – Civil Rights

Ch. Law 2015-68 7/1/2015

Prohibits discrimination on the basis of pregnancy in public lodging and food service establishments, by labor organizations, employment agencies, licensing, certification, etc.

SB 186 – Alcoholic Beverages

Ch. Law 2015-12 7/1/2015

Limits the amount of malt beverages that can be transferred between breweries owned by the same brewer. Permits malt beverage tastings on certain premises. Permits filling and refilling of “growlers.” Provides penalties for violations.

HB 243 – Vital Statistics

Ch. Law 2015-105 7/1/2015

Amends section 382.008 to require electronic filing and transmission of certain death records. Revises duties and responsibilities of DOH with respect to production and maintenance of death certificates and burial transit permits.