

By Senator Lee

rb01-5

1                   A reviser's bill to be entitled  
2           An act relating to the Florida Statutes;  
3           amending ss. 632.635, 633.021, 633.025,  
4           634.191, 634.281, 641.185, 641.225, 642.032,  
5           642.043, 648.44, 651.095, 651.106, 655.50,  
6           655.962, 663.02, 663.09, 663.14, 715.07,  
7           718.103, 718.111, 718.112, 718.504, 784.075,  
8           817.55, 828.1231, 849.086, 849.0931, 914.27,  
9           921.0022, 943.08, 943.11, 943.125, 960.065,  
10          984.03, 985.201, 985.215, 985.225, and 985.228,  
11          F.S.; and reenacting ss. 985.23 and 985.3141,  
12          F.S., pursuant to s. 11.242, F.S.; deleting  
13          provisions which have expired, have become  
14          obsolete, have had their effect, have served  
15          their purpose, or have been impliedly repealed  
16          or superseded; replacing incorrect  
17          cross-references and citations; correcting  
18          grammatical, typographical, and like errors;  
19          removing inconsistencies, redundancies, and  
20          unnecessary repetition in the statutes;  
21          improving the clarity of the statutes and  
22          facilitating their correct interpretation; and  
23          confirming the restoration of provisions  
24          unintentionally omitted from republication in  
25          the acts of the Legislature during the  
26          amendatory process.

27  
28   Be It Enacted by the Legislature of the State of Florida:

29  
30           Section 1.   Section 632.635, Florida Statutes, is  
31   amended to read:

1           632.635 Unfair methods of competition and unfair and  
2 deceptive acts and practices.--Every society authorized to do  
3 business in this state shall be subject to the provisions of  
4 the Unfair Insurance Trade Practices Act as provided in part  
5 IX ~~§~~ of chapter 626; provided, however, that nothing in such  
6 provisions shall be construed as applying to or affecting the  
7 right of any society to determine its eligibility requirements  
8 for membership, or be construed as applying to or affecting  
9 the offering of benefits exclusively to members or persons  
10 eligible for membership in the society.

11

12           Reviser's note.--Amended to conform to the  
13 redesignation of parts of chapter 626  
14 necessitated by the transfer of sections  
15 comprising former part IX by ch. 98-89, Laws of  
16 Florida.

17

18           Section 2. Subsection (10) of section 633.021, Florida  
19 Statutes, is amended to read:

20           633.021 Definitions.--As used in this chapter:

21           (10) "Handling" means touching, holding, taking up,  
22 moving, controlling, or otherwise affecting with the hand or  
23 by any other agency. ~~As used in s. 633.01(3)(b), its meaning  
24 and application are limited to handling having a direct  
25 relationship to transportation.~~

26

27           Reviser's note.--Amended to conform to the  
28 repeal of s. 633.01(3)(b) by s. 1, ch. 90-359,  
29 Laws of Florida.

30

31

1           Section 3. Effective July 1, 2001, subsection (4) of  
2 section 633.025, Florida Statutes, as amended by section 59 of  
3 chapter 98-287, Laws of Florida, as amended by sections 104  
4 and 105 of chapter 2000-141, Laws of Florida, is amended to  
5 read:

6           633.025 Minimum firesafety standards.--

7           (4) Such codes shall be minimum codes and a  
8 municipality, county, or special district with firesafety  
9 responsibilities may adopt more stringent firesafety  
10 standards, subject to the requirements of this subsection.  
11 Such county, municipality, or special district may establish  
12 alternative requirements to those requirements which are  
13 required under the minimum firesafety standards on a  
14 case-by-case basis, in order to meet special situations  
15 arising from historic, geographic, or unusual conditions, if  
16 the alternative requirements result in a level of protection  
17 to life, safety, or property equal to or greater than the  
18 applicable minimum firesafety standards. For the purpose of  
19 this subsection, the term "historic" means that the building  
20 or structure is listed on the National Register of Historic  
21 Places of the United States Department of the Interior.

22           (a) The local governing body shall determine,  
23 following a public hearing which has been advertised in a  
24 newspaper of general circulation at least 10 days before the  
25 hearing, if there is a need to strengthen the requirements of  
26 the minimum firesafety code adopted by such governing body.  
27 The determination must be based upon a review of local  
28 conditions by the local governing body, which review  
29 demonstrates that local conditions justify more stringent  
30 requirements than those specified in the minimum firesafety  
31 code for the protection of life and property or justify

1 requirements that meet special situations arising from  
2 historic, geographic, or unusual conditions.

3 (b) Such additional requirements shall not be  
4 discriminatory as to materials, products, or construction  
5 techniques of demonstrated capabilities.

6 (c) Paragraphs (a) and (b) apply solely to the local  
7 enforcing agency's adoption of requirements more stringent  
8 than those specified in the Florida Fire Prevention Code and  
9 the Life Safety Code that have the effect of amending building  
10 construction standards. Upon request, the enforcing agency  
11 shall provide a person making application for a building  
12 permit, or any state agency or board with construction-related  
13 regulation responsibilities, a listing of all such  
14 requirements and codes.

15 (d) A local government which adopts amendments to the  
16 minimum firesafety code must provide a procedure by which the  
17 validity of such amendments may be challenged by any  
18 substantially affected party to test the amendment's  
19 compliance with the provisions of this section.

20 1. Unless the local government agrees to stay  
21 enforcement of the amendment, or other good cause is shown,  
22 the challenging party shall be entitled to a hearing on the  
23 challenge within 45 days.

24 2. For purposes of such challenge, the burden of proof  
25 shall be on the challenging party, but the amendment shall not  
26 be presumed to be valid or invalid.

27

28 This subsection gives local government the authority to  
29 establish firesafety codes that exceed the minimum firesafety  
30 codes and standards adopted by the State Fire Marshal. The  
31 Legislature intends that local government give proper public

1 notice and hold public hearings before adopting more stringent  
2 firesafety codes and standards. A substantially affected  
3 person may appeal, to the Department of Insurance, the local  
4 government's resolution of the challenge, and the department  
5 shall determine if the amendment complies with this section.  
6 Actions of the department are subject to judicial review  
7 pursuant to s. 120.68. The department shall consider reports  
8 of the Florida Building Commission, pursuant to part VII of  
9 chapter 553 ~~533~~, when evaluating building code enforcement.

10  
11 Reviser's note.--Amended to improve clarity and  
12 facilitate correct interpretation. Chapter 533,  
13 which related to mining wastes, was not divided  
14 into parts and was repealed by s. 32, ch.

15 2000-211, Laws of Florida. Part VII of chapter  
16 553 relates to the Florida Building Commission  
17 and state building codes.

18  
19 Section 4. Subsection (5) of section 634.191, Florida  
20 Statutes, is amended to read:

21 634.191 Grounds for discretionary refusal, suspension,  
22 or revocation of license or appointment of salespersons.--The  
23 department may, in its discretion, deny, suspend, revoke, or  
24 refuse to renew or continue the license or appointment of any  
25 salesperson if it finds that as to the salesperson any one or  
26 more of the following applicable grounds exist under  
27 circumstances for which such denial, suspension, revocation,  
28 or refusal is not mandatory under s. 634.181:

29 (5) If, in the conduct of business under the license  
30 or appointment, the salesperson has engaged in unfair methods  
31 of competition or in unfair or deceptive acts or practices, as

1 such methods, acts, or practices are or may be defined under  
2 part IX ✕ of chapter 626, or has otherwise shown herself or  
3 himself to be a source of injury or loss to the public or  
4 detrimental to the public interest.

5  
6 Reviser's note.--Amended to conform to the  
7 redesignation of parts of chapter 626  
8 necessitated by the transfer of sections  
9 comprising former part IX by ch. 98-89, Laws of  
10 Florida.

11  
12 Section 5. Section 634.281, Florida Statutes, is  
13 amended to read:

14 634.281 Unfair trade practices.--Service agreement  
15 companies and their salespersons shall be subject to the  
16 provisions of part IX ✕ of chapter 626.

17  
18 Reviser's note.--Amended to conform to the  
19 redesignation of parts of chapter 626  
20 necessitated by the transfer of sections  
21 comprising former part IX by ch. 98-89, Laws of  
22 Florida.

23  
24 Section 6. Paragraphs (d) and (l) of subsection (1) of  
25 section 641.185, Florida Statutes, are amended to read:

26 641.185 Health maintenance organization subscriber  
27 protections.--

28 (1) With respect to the provisions of this part and  
29 part III, the principles expressed in the following statements  
30 shall serve as standards to be followed by the Department of  
31 Insurance and the Agency for Health Care Administration in

1 exercising their powers and duties, in exercising  
2 administrative discretion, in administrative interpretations  
3 of the law, in enforcing its provisions, and in adopting  
4 rules:

5 (d) A health maintenance organization subscriber  
6 should receive continuity of health care, even after the  
7 provider is no longer with the health maintenance organization  
8 pursuant to s. 641.51(8)~~641.51(7)~~.

9 (1) A health maintenance organization subscriber shall  
10 be given a copy of the applicable health maintenance contract,  
11 certificate, or member handbook specifying: all the  
12 provisions, disclosure, and limitations required pursuant to  
13 s. 641.31(1) and (4); the covered services, including those  
14 services, medical conditions, and provider types specified in  
15 ss. 641.31, 641.31094, 641.31095, 641.31096, 641.51(11)  
16 ~~641.51(10)~~, and 641.513; and where and in what manner services  
17 may be obtained pursuant to s. 641.31(4).

18  
19 Reviser's note.--Paragraph (1)(d) is amended to  
20 conform to the redesignation of s. 641.51(7) as  
21 s. 641.51(8) by s. 26, ch. 2000-256, Laws of  
22 Florida. Paragraph (1)(1) is amended to conform  
23 to the redesignation of s. 641.51(10) as s.  
24 641.51(11) by s. 26, ch. 2000-256.

25  
26 Section 7. Subsection (1) of section 641.225, Florida  
27 Statutes, is amended to read:

28 641.225 Surplus requirements.--

29 (1) Each health maintenance organization shall at all  
30 times maintain a minimum surplus in an amount that is the  
31 greater of \$1,500,000, or 10 percent of total liabilities, or

1 ~~2 percent of total annualized premium. All health maintenance~~  
2 ~~organizations that have a valid certificate of authority~~  
3 ~~before October 1, 1998, or an entity described in subsection~~  
4 ~~(3), and that do not meet the minimum surplus requirement,~~  
5 ~~shall increase their surplus as follows:~~

6	Date	Amount
7		
8		
9	<del>September 30, 1998</del>	<del>\$800,000, or 10 percent of total</del>
10		<del>liabilities, or 1 percent of</del>
11		<del>annualized premium, whichever is</del>
12		<del>greater</del>
13		
14	<del>September 30, 1999</del>	<del>\$1,150,000, or 10 percent of total</del>
15		<del>liabilities, or 1.25 percent of</del>
16		<del>annualized premium, whichever is</del>
17		<del>greater</del>
18		
19	<del>September 30, 2000</del>	<del>\$1,500,000, or 10 percent of total</del>
20		<del>liabilities, or 2 percent of</del>
21		<del>annualized premium, whichever is</del>
22		<del>greater</del>
23		

24 Reviser's note.--Amended to delete language  
25 that has served its purpose.

26  
27 Section 8. Subsection (3) of section 642.032, Florida  
28 Statutes, is amended to read:

29 642.032 Provisions of general insurance law applicable  
30 to legal expense insurance corporations.--The following  
31 provisions of the Florida Insurance Code shall apply to legal



1 expense insurance corporations, to the extent that they are  
2 not inconsistent with the provisions of ss. 642.011-642.049:

3 (3) Chapter 626, part IX ~~§~~, unfair insurance trade  
4 practices.

5  
6 Reviser's note.--Amended to conform to the  
7 redesignation of parts of chapter 626  
8 necessitated by the transfer of sections  
9 comprising former part IX by ch. 98-89, Laws of  
10 Florida.

11  
12 Section 9. Subsection (5) of section 642.043, Florida  
13 Statutes, is amended to read:

14 642.043 Grounds for discretionary refusal, suspension,  
15 or revocation of license or appointment of sales  
16 representatives.--The department may, in its discretion, deny,  
17 suspend, revoke, or refuse to renew or continue the license or  
18 appointment of any sales representative if it finds that, as  
19 to the representative, any one or more of the following  
20 applicable grounds exist under circumstances for which such  
21 denial, suspension, revocation, or refusal is not mandatory  
22 under s. 642.041:

23 (5) In the conduct of business under the license or  
24 appointment, having engaged in unfair methods of competition  
25 or in unfair or deceptive acts or practices, as such methods,  
26 acts, or practices are defined under part IX ~~§~~ of chapter 626,  
27 or having otherwise shown himself or herself to be a source of  
28 injury or loss to the public or detrimental to the public  
29 interest.

30  
31

1 Reviser's note.--Amended to conform to the  
2 redesignation of parts of chapter 626  
3 necessitated by the transfer of sections  
4 comprising former part IX by ch. 98-89, Laws of  
5 Florida.

6  
7 Section 10. Paragraph (b) of subsection (6) of section  
8 648.44, Florida Statutes, is amended to read:

9 648.44 Prohibitions; penalty.--

10 (6)

11 (b) Any misleading or false advertisement or deceptive  
12 trade practice is prohibited as provided in part IX \* of  
13 chapter 626.

14  
15 Reviser's note.--Amended to conform to the  
16 redesignation of parts of chapter 626  
17 necessitated by the transfer of sections  
18 comprising former part IX by ch. 98-89, Laws of  
19 Florida.

20  
21 Section 11. Subsections (1) and (2) of section  
22 651.095, Florida Statutes, are amended to read:

23 651.095 Advertisements; requirements; penalties.--

24 (1) Upon application for a provisional certificate of  
25 authority, the department shall require the applicant to  
26 submit for approval all advertising. Approval of the  
27 application constitutes approval of the advertising, unless  
28 the department has otherwise notified the applicant. The  
29 department shall disapprove any document which is a violation  
30 of any provision of part IX \* of chapter 626.

31

1           (2) After an application has been approved, a provider  
2 is not required to submit new advertising to the department  
3 for approval; however, a provider may not use, and may not  
4 have published, and a person may not use or may not have  
5 published, any advertisement which is a violation of any  
6 provision of part IX ~~§~~ of chapter 626 or which has previously  
7 been disapproved by the department.

8  
9           Reviser's note.--Amended to conform to the  
10 redesignation of parts of chapter 626  
11 necessitated by the transfer of sections  
12 comprising former part IX by ch. 98-89, Laws of  
13 Florida.

14  
15           Section 12. Subsection (15) of section 651.106,  
16 Florida Statutes, is amended to read:

17           651.106 Grounds for discretionary refusal, suspension,  
18 or revocation of certificate of authority.--The department, in  
19 its discretion, may deny, suspend, or revoke the provisional  
20 certificate of authority or the certificate of authority of  
21 any applicant or provider if it finds that any one or more of  
22 the following grounds applicable to the applicant or provider  
23 exist:

24           (15) In the conduct of business under the license,  
25 engaging in unfair methods of competition or in unfair or  
26 deceptive acts or practices prohibited under part IX ~~§~~ of  
27 chapter 626.

28  
29           Revocation of a certificate of authority under this section  
30 does not relieve a provider from the provider's obligation to  
31 residents under the terms and conditions of any continuing

1 care contract between the provider and residents or the  
2 provisions of this chapter. The provider shall continue to  
3 file its annual statement and pay license fees to the  
4 department as required under this chapter as if the  
5 certificate of authority had continued in full force, but the  
6 provider shall not issue any new continuing care contracts.  
7 The department may seek an action in the circuit court of Leon  
8 County to enforce the department's order and the provisions of  
9 this section.

10  
11 Reviser's note.--Amended to conform to the  
12 redesignation of parts of chapter 626  
13 necessitated by the transfer of sections  
14 comprising former part IX by ch. 98-89, Laws of  
15 Florida.

16  
17 Section 13. Paragraph (d) of subsection (10) of  
18 section 655.50, Florida Statutes, is amended to read:

19 655.50 Florida Control of Money Laundering in  
20 Financial Institutions Act; reports of transactions involving  
21 currency or monetary instruments; when required; purpose;  
22 definitions; penalties.--

23 (10)

24 (d) A financial institution as defined in s. 655.005  
25 that ~~who~~ willfully violates this section is also liable for a  
26 civil penalty of not more than the greater of the value of the  
27 financial transaction involved or \$25,000. However, the civil  
28 penalty may not exceed \$100,000.

29  
30 Reviser's note.--Amended to improve clarity.

31

1           Section 14. Subsection (3) of section 655.962, Florida  
2 Statutes, is amended to read:

3           655.962 Lighting; mirrors; landscaping.--

4           (3) The operator, or other person responsible pursuant  
5 to ss. 655.960-655.965 for an automated teller machine, shall  
6 ensure that the height of any landscaping, vegetation, or  
7 other physical obstructions in the area required to be lighted  
8 pursuant to subsection (1)~~(2)~~ for any open and operating  
9 automated teller machine shall not exceed 3 feet, except that  
10 trees trimmed to a height of 10 feet and whose diameters are  
11 less than 2 feet and manmade physical obstructions required by  
12 statute, law, code, ordinance, or other governmental  
13 regulation shall not be affected by this subsection.

14  
15           Reviser's note.--Amended to conform to the  
16 redesignation of subsections necessitated by  
17 the repeal of former subsection (1) by s. 85,  
18 ch. 2000-158, Laws of Florida.

19  
20           Section 15. Subsection (1) of section 663.02, Florida  
21 Statutes, is amended to read:

22           663.02 Applicability of state banking laws.--

23           (1) International banking corporations having offices  
24 in this state shall be subject to all the provisions of the  
25 financial institutions codes and chapter 655 as though such  
26 international banking corporations were state banks, except  
27 where it may appear, from the context or otherwise, that such  
28 provisions are clearly applicable only to banks or trust  
29 companies organized under the laws of this state or the United  
30 States. Without limiting the foregoing general provisions, it  
31 is the intent of the Legislature that the following provisions

1 shall be applicable to such banks or corporations: s. 655.031  
2 ~~655.021~~, relating to administrative enforcement guidelines; s.  
3 655.032 ~~655.025~~, relating to investigations, subpoenas,  
4 hearings, and witnesses; s. 655.0321 ~~655.029~~, relating to  
5 hearings, proceedings, and related documents and restricted  
6 access thereto; s. 655.033, relating to cease and desist  
7 orders; s. 655.037, relating to removal by the department of  
8 an officer, director, committee member, employee, or other  
9 person; s. 655.041, relating to administrative fines and  
10 enforcement; and s. 658.49, relating to loans by banks not  
11 exceeding \$50,000; ~~s. 658.76, relating to transactions with~~  
12 ~~directors; and s. 658.77, relating to prohibited acts and~~  
13 ~~practices~~. International banking corporations shall not have  
14 the powers conferred on domestic banks by the provisions of s.  
15 658.60, relating to deposits of public funds. International  
16 banking corporations shall not be subject to the provisions of  
17 s. 658.68, relating to liquidity. The provisions of chapter  
18 687, relating to interest and usury, shall apply to all loans  
19 not subject to s. 658.49.

20

21 Reviser's note.--Amended to conform to the  
22 redesignation of s. 655.021 as s. 655.031; s.  
23 655.025 as s. 655.032; and s. 655.029 as s.  
24 655.0321 by ss. 11, 12, and 13, respectively,  
25 of ch. 92-303, Laws of Florida, and amended to  
26 conform to the repeal of ss. 658.76 and 658.77  
27 by s. 189, ch. 92-303.

28

29 Section 16. Paragraph (b) of subsection (3) of section  
30 663.09, Florida Statutes, is amended to read:

31 663.09 Reports; records.--

1           (3) Each international banking corporation which  
2 operates an office licensed under this part shall cause to be  
3 kept, at a location accepted by the department:

4           (b) Current copies of the charter and bylaws of the  
5 international banking corporation, relative to the operations  
6 of the office, and minutes of the proceedings of its  
7 directors, officers, or committees relative to the business of  
8 the office. Such records shall be kept pursuant to s. 655.91  
9 ~~658.72~~ and shall be made available to the department, upon  
10 request, at any time during regular business hours of the  
11 office. Any failure to keep such records as aforesaid or any  
12 refusal to produce such records upon request by the department  
13 shall be grounds for suspension or revocation of any license  
14 issued under this part.

15  
16           Reviser's note.--Amended to improve clarity and  
17 facilitate correct interpretation. Section  
18 658.72 was repealed by s. 189, ch. 92-303, Laws  
19 of Florida. Financial institution record  
20 retention is now addressed in s. 655.91.

21  
22           Section 17. Section 663.14, Florida Statutes, is  
23 amended to read:

24           663.14 Foreign travel expenses.--If domestic or  
25 foreign travel is deemed necessary by the department to  
26 effectuate the purposes of this part, representatives of the  
27 department shall be reimbursed ~~in the manner set forth in s.~~  
28 ~~288.011~~ for actual, reasonable, and necessary expenses  
29 incurred in such domestic or foreign travel.

1           Reviser's note.--Amended to improve clarity and  
2           facilitate correct interpretation. Section  
3           288.011 was repealed by s. 154, ch. 96-320,  
4           Laws of Florida.

5  
6           Section 18. Paragraph (a) of subsection (2) of section  
7           715.07, Florida Statutes, is amended to read:

8           715.07 Vehicles parked on private property; towing.--

9           (2) The owner or lessee of real property, or any  
10          person authorized by the owner or lessee, which person may be  
11          the designated representative of the condominium association  
12          if the real property is a condominium, may cause any vehicle  
13          parked on such property without her or his permission to be  
14          removed by a person regularly engaged in the business of  
15          towing vehicles, without liability for the costs of removal,  
16          transportation, or storage or damages caused by such removal,  
17          transportation, or storage, under any of the following  
18          circumstances:

19           (a) The towing or removal of any vehicle from private  
20          property without the consent of the registered owner or other  
21          legally authorized person in control of that vehicle is  
22          subject to strict compliance with the following conditions and  
23          restrictions:

24           1.a. Any towed or removed vehicle must be stored at a  
25          site within 10 miles of the point of removal in any county of  
26          500,000 population or more, and within 15 miles of the point  
27          of removal in any county of less than 500,000 population. That  
28          site must be open for the purpose of redemption of vehicles on  
29          any day that the person or firm towing such vehicle is open  
30          for towing purposes, from 8:00 a.m. to 6:00 p.m., and, when  
31          closed, shall have prominently posted a sign indicating a



1 telephone number where the operator of the site can be reached  
2 at all times. Upon receipt of a telephoned request to open  
3 the site to redeem a vehicle, the operator shall return to the  
4 site within 1 hour or she or he will be in violation of this  
5 section.

6           b. If no towing business providing such service is  
7 located within the area of towing limitations set forth in  
8 sub-subparagraph a., the following limitations apply: any  
9 towed or removed vehicle must be stored at a site within 20  
10 miles of the point of removal in any county of 500,000  
11 population or more, and within 30 miles of the point of  
12 removal in any county of less than 500,000 population.

13           2. The person or firm towing or removing the vehicle  
14 shall, within 30 minutes of completion of such towing or  
15 removal, notify the municipal police department or, in an  
16 unincorporated area, the sheriff of such towing or removal,  
17 the storage site, the time the vehicle was towed or removed,  
18 and the make, model, color, and license plate number of the  
19 vehicle and shall obtain the name of the person at that  
20 department to whom such information was reported and note that  
21 name on the trip record.

22           3. If the registered owner or other legally authorized  
23 person in control of the vehicle arrives at the scene prior to  
24 removal or towing of the vehicle, the vehicle shall be  
25 disconnected from the towing or removal apparatus, and that  
26 person shall be allowed to remove the vehicle without  
27 interference upon the payment of a reasonable service fee of  
28 not more than one-half of the posted rate for such towing  
29 service as provided in subparagraph 6., for which a receipt  
30 shall be given, unless that person refuses to remove the  
31 vehicle which is otherwise unlawfully parked.

1           4. The rebate or payment of money or any other  
2 valuable consideration from the individual or firm towing or  
3 removing vehicles to the owners or operators of the premises  
4 from which the vehicles are towed or removed, for the  
5 privilege of removing or towing those vehicles, is prohibited.

6           5. Except for property appurtenant to and obviously a  
7 part of a single-family residence, and except for instances  
8 when notice is personally given to the owner or other legally  
9 authorized person in control of the vehicle that the area in  
10 which that vehicle is parked is reserved or otherwise  
11 unavailable for unauthorized vehicles and subject to being  
12 removed at the owner's or operator's expense, any property  
13 owner or lessee, or person authorized by the property owner or  
14 lessee, prior to towing or removing any vehicle from private  
15 property without the consent of the owner or other legally  
16 authorized person in control of that vehicle, must post a  
17 notice meeting the following requirements:

18           a. The notice must be prominently placed at each  
19 driveway access or curb cut allowing vehicular access to the  
20 property, within 5 feet from the public right-of-way line. If  
21 there are no curbs or access barriers, the signs must be  
22 posted not less than one sign for each 25 feet of lot  
23 frontage.

24           b. The notice must clearly indicate, in not less than  
25 2-inch high, light-reflective letters on a contrasting  
26 background, that unauthorized vehicles will be towed away at  
27 the owner's expense. The words "tow-away zone" must be  
28 included on the sign in not less than 4-inch high letters.

29           c. The notice must also provide the name and current  
30 telephone number of the person or firm towing or removing the  
31 vehicles, if the property owner, lessee, or person in control

1 of the property has a written contract with the towing  
2 company.

3 d. The sign structure containing the required notices  
4 must be permanently installed with the words "tow-away zone"  
5 not less than 3 feet and not more than 6 feet above ground  
6 level and must be continuously maintained on the property for  
7 not less than 24 hours prior to the towing or removal of any  
8 vehicles.

9 e. The local government may require permitting and  
10 inspection of these signs prior to any towing or removal of  
11 vehicles being authorized.

12 f. A business with 20 or fewer parking spaces  
13 satisfies the notice requirements of this subparagraph by  
14 prominently displaying a sign stating "Reserved Parking for  
15 Customers Only Unauthorized Vehicles Will be Towed Away At the  
16 Owner's Expense" in not less than 4-inch high,  
17 light-reflective letters on a contrasting background.

18  
19 A business owner or lessee may authorize the removal of a  
20 vehicle by a towing company when the vehicle is parked in such  
21 a manner that restricts the normal operation of business; and  
22 if a vehicle parked on a public right-of-way obstructs access  
23 to a private driveway the owner, lessee, or agent may have the  
24 vehicle removed by a towing company upon signing an order that  
25 the vehicle be removed without a posted tow-away zone sign.

26 6. Any person or firm that tows or removes vehicles  
27 and proposes to require an owner, operator, or person in  
28 control of a vehicle to pay the costs of towing and storage  
29 prior to redemption of the vehicle must file and keep on  
30 record with the local law enforcement agency a complete copy  
31 of the current rates to be charged for such services and post

1 at the storage site an identical rate schedule and any written  
2 contracts with property owners, lessees, or persons in control  
3 of property which authorize such person or firm to remove  
4 vehicles as provided in this section.

5           7. Any person or firm towing or removing any vehicles  
6 from private property without the consent of the owner or  
7 other legally authorized person in control of the vehicles  
8 shall, on any trucks, wreckers as defined in s. 713.78(1)(c)  
9 ~~713.78(1)(b)~~, or other vehicles used in the towing or removal,  
10 have the name, address, and telephone number of the company  
11 performing such service clearly printed in contrasting colors  
12 on the driver and passenger sides of the vehicle. The name  
13 shall be in at least 3-inch permanently affixed letters, and  
14 the address and telephone number shall be in at least 1-inch  
15 permanently affixed letters.

16           8. Vehicle entry for the purpose of removing the  
17 vehicle shall be allowed with reasonable care on the part of  
18 the person or firm towing the vehicle. Such person or firm  
19 shall be liable for any damage occasioned to the vehicle if  
20 such entry is not in accordance with the standard of  
21 reasonable care.

22           9. When a vehicle has been towed or removed pursuant  
23 to this section, it must be released to its owner or custodian  
24 within one hour after requested. Any vehicle owner,  
25 custodian, or agent shall have the right to inspect the  
26 vehicle before accepting its return, and no release or waiver  
27 of any kind which would release the person or firm towing the  
28 vehicle from liability for damages noted by the owner or other  
29 legally authorized person at the time of the redemption may be  
30 required from any vehicle owner, custodian, or agent as a  
31 condition of release of the vehicle to its owner. A detailed,

1 signed receipt showing the legal name of the company or person  
2 towing or removing the vehicle must be given to the person  
3 paying towing or storage charges at the time of payment,  
4 whether requested or not.

5  
6 Reviser's note.--Amended to conform to the  
7 redesignation of s. 713.78(1)(b) as s.  
8 713.78(1)(c) by s. 11, ch. 98-324, Laws of  
9 Florida.

10  
11 Section 19. Subsection (30) of section 718.103,  
12 Florida Statutes, is amended to read:

13 718.103 Definitions.--As used in this chapter, the  
14 term:

15 (30) "Voting interests" means the voting rights  
16 distributed to the association members pursuant to s.  
17 718.104(4)(j)~~718.104(4)(i)~~. In a multicondominium  
18 association, the voting interests of the association are the  
19 voting rights distributed to the unit owners in all  
20 condominiums operated by the association. On matters related  
21 to a specific condominium in a multicondominium association,  
22 the voting interests of the condominium are the voting rights  
23 distributed to the unit owners in that condominium.

24  
25 Reviser's note.--Amended to conform to the  
26 redesignation of s. 718.104(4)(i) as s.  
27 718.104(4)(j) necessitated by the creation of a  
28 new paragraph (h) by s. 49, ch. 2000-302, Laws  
29 of Florida.

1           Section 20. Subsection (10) of section 718.111,  
2 Florida Statutes, is amended to read:

3           718.111 The association.--

4           (10) EASEMENTS.--Unless prohibited by the declaration,  
5 the board of administration has the authority, without the  
6 joinder of any unit owner, to grant, modify, or move any  
7 easement if the easement constitutes part of or crosses the  
8 common elements or association property. This subsection does  
9 not authorize the board of administration to modify, move, or  
10 vacate any easement created in whole or in part for the use or  
11 benefit of anyone other than the unit owners, or crossing the  
12 property of anyone other than the unit owners, without the  
13 consent or approval of those other persons having the use or  
14 benefit of the easement, as required by law or by the  
15 instrument creating the easement. Nothing in this subsection  
16 affects the minimum requirements of s. 718.104(4)(n)  
17 ~~718.104(4)(m)~~ or the powers enumerated in subsection (3).

18  
19           Reviser's note.--Amended to conform to the  
20 redesignation of s. 718.104(4)(m) as s.  
21 718.104(4)(n) necessitated by the creation of a  
22 new paragraph (h) by s. 49, ch. 2000-302, Laws  
23 of Florida.

24  
25           Section 21. Paragraph (b) of subsection (2) of section  
26 718.112, Florida Statutes, is amended to read:

27           718.112 Bylaws.--

28           (2) REQUIRED PROVISIONS.--The bylaws shall provide for  
29 the following and, if they do not do so, shall be deemed to  
30 include the following:

31           (b) Quorum; voting requirements; proxies.--

1           1. Unless a lower number is provided in the bylaws,  
2 the percentage of voting interests required to constitute a  
3 quorum at a meeting of the members shall be a majority of the  
4 voting interests. Unless otherwise provided in this chapter  
5 or in the declaration, articles of incorporation, or bylaws,  
6 and except as provided in subparagraph (d)3., decisions shall  
7 be made by owners of a majority of the voting interests  
8 represented at a meeting at which a quorum is present.

9           2. Except as specifically otherwise provided herein,  
10 after January 1, 1992, unit owners may not vote by general  
11 proxy, but may vote by limited proxies substantially  
12 conforming to a limited proxy form adopted by the division.  
13 Limited proxies and general proxies may be used to establish a  
14 quorum. Limited proxies shall be used for votes taken to  
15 waive or reduce reserves in accordance with subparagraph  
16 (f)2.; ~~for votes taken to waive financial statement~~  
17 ~~requirements as provided by s. 718.111(14)~~ for votes taken to  
18 amend the declaration pursuant to s. 718.110; for votes taken  
19 to amend the articles of incorporation or bylaws pursuant to  
20 this section; and for any other matter for which this chapter  
21 requires or permits a vote of the unit owners. Except as  
22 provided in paragraph (d), after January 1, 1992, no proxy,  
23 limited or general, shall be used in the election of board  
24 members. General proxies may be used for other matters for  
25 which limited proxies are not required, and may also be used  
26 in voting for nonsubstantive changes to items for which a  
27 limited proxy is required and given. Notwithstanding the  
28 provisions of this subparagraph, unit owners may vote in  
29 person at unit owner meetings. Nothing contained herein shall  
30 limit the use of general proxies or require the use of limited  
31

1 proxies for any agenda item or election at any meeting of a  
2 timeshare condominium association.

3           3. Any proxy given shall be effective only for the  
4 specific meeting for which originally given and any lawfully  
5 adjourned meetings thereof. In no event shall any proxy be  
6 valid for a period longer than 90 days after the date of the  
7 first meeting for which it was given. Every proxy is  
8 revocable at any time at the pleasure of the unit owner  
9 executing it.

10           4. A member of the board of administration or a  
11 committee may submit in writing his or her agreement or  
12 disagreement with any action taken at a meeting that the  
13 member did not attend. This agreement or disagreement may not  
14 be used as a vote for or against the action taken and may not  
15 be used for the purposes of creating a quorum.

16           5. When any of the board or committee members meet by  
17 telephone conference, those board or committee members  
18 attending by telephone conference may be counted toward  
19 obtaining a quorum and may vote by telephone. A telephone  
20 speaker must be used so that the conversation of those board  
21 or committee members attending by telephone may be heard by  
22 the board or committee members attending in person as well as  
23 by any unit owners present at a meeting.

24

25           Reviser's note.--Amended to conform to the  
26 deletion of former s. 718.111(14), which  
27 related to financial statement requirements, by  
28 s. 52, ch. 2000-302, Laws of Florida.

29

30           Section 22. Paragraph (p) of subsection (24) of  
31 section 718.504, Florida Statutes, is amended to read:



1           718.504 Prospectus or offering circular.--Every  
2 developer of a residential condominium which contains more  
3 than 20 residential units, or which is part of a group of  
4 residential condominiums which will be served by property to  
5 be used in common by unit owners of more than 20 residential  
6 units, shall prepare a prospectus or offering circular and  
7 file it with the Division of Florida Land Sales, Condominiums,  
8 and Mobile Homes prior to entering into an enforceable  
9 contract of purchase and sale of any unit or lease of a unit  
10 for more than 5 years and shall furnish a copy of the  
11 prospectus or offering circular to each buyer. In addition to  
12 the prospectus or offering circular, each buyer shall be  
13 furnished a separate page entitled "Frequently Asked Questions  
14 and Answers," which shall be in accordance with a format  
15 approved by the division and a copy of the financial  
16 information required by s. 718.111. This page shall, in  
17 readable language, inform prospective purchasers regarding  
18 their voting rights and unit use restrictions, including  
19 restrictions on the leasing of a unit; shall indicate whether  
20 and in what amount the unit owners or the association is  
21 obligated to pay rent or land use fees for recreational or  
22 other commonly used facilities; shall contain a statement  
23 identifying that amount of assessment which, pursuant to the  
24 budget, would be levied upon each unit type, exclusive of any  
25 special assessments, and which shall further identify the  
26 basis upon which assessments are levied, whether monthly,  
27 quarterly, or otherwise; shall state and identify any court  
28 cases in which the association is currently a party of record  
29 in which the association may face liability in excess of  
30 \$100,000; and which shall further state whether membership in  
31 a recreational facilities association is mandatory, and if so,

1 shall identify the fees currently charged per unit type. The  
2 division shall by rule require such other disclosure as in its  
3 judgment will assist prospective purchasers. The prospectus or  
4 offering circular may include more than one condominium,  
5 although not all such units are being offered for sale as of  
6 the date of the prospectus or offering circular. The  
7 prospectus or offering circular must contain the following  
8 information:

9 (24) Copies of the following, to the extent they are  
10 applicable, shall be included as exhibits:

11 (p) A copy of the documents containing any  
12 restrictions on use of the property required by subsection  
13 (17)~~(16)~~.

14  
15 Reviser's note.--Amended to conform to the  
16 redesignation of subsection (16) as subsection  
17 (17) by s. 61, ch. 2000-302, Laws of Florida.

18  
19 Section 23. Section 784.075, Florida Statutes, is  
20 amended to read:

21 784.075 Battery on detention or commitment facility  
22 staff or a juvenile probation officer.--A person who commits a  
23 battery on a juvenile probation officer, as defined in s.  
24 984.03 or s. 985.03, on other staff of a detention center or  
25 facility as defined in s. 984.03(19) or s. 985.03(19)  
26 ~~985.03(20)~~, or on a staff member of a commitment facility as  
27 defined in s. 985.03(45), commits a felony of the third  
28 degree, punishable as provided in s. 775.082, s. 775.083, or  
29 s. 775.084. For purposes of this section, a staff member of  
30 the facilities listed includes persons employed by the  
31 Department of Juvenile Justice, persons employed at facilities

1 licensed by the Department of Juvenile Justice, and persons  
2 employed at facilities operated under a contract with the  
3 Department of Juvenile Justice.

4  
5 Reviser's note.--Amended to conform to the  
6 redesignation of s. 985.03(20) as s. 985.03(19)  
7 by s. 18, ch. 2000-135, Laws of Florida.

8  
9 Section 24. Subsection (2) of section 817.55, Florida  
10 Statutes, is amended to read:

11 817.55 Tourist attraction advertisement; misleading  
12 use of the word "free."--

13 (2) The state attorney for any county in which any  
14 violation of this act occurs ~~or the Division of Economic~~  
15 ~~Development of the Department of Commerce~~ may enjoin the use  
16 of such word or words by temporary and permanent injunction by  
17 application to any court of competent jurisdiction.

18  
19 Reviser's note.--Amended to delete language  
20 that has served its purpose. Section 20.17,  
21 which created the Department of Commerce, was  
22 repealed by s. 3, ch. 96-320, Laws of Florida.

23  
24 Section 25. Subsection (3) of section 828.1231,  
25 Florida Statutes, is amended to read:

26 828.1231 Sale of garments or items of clothing  
27 containing dog or cat fur prohibited; sale of pelt of any dog  
28 or cat prohibited; penalty.--

29 (3) Any person who violates the provisions of this  
30 section commits a misdemeanor of the first degree, punishable  
31 as provided in s. 775.082 or ~~s. 775.083, or s. 775.084~~. Upon

1 a second or subsequent conviction for a violation of this  
2 subsection, the offender commits a felony of the third degree,  
3 punishable as provided in s. 775.082, s. 775.083, or s.  
4 775.084.

5  
6 Reviser's note.--Amended to improve clarity and  
7 facilitate correct interpretation. Section  
8 775.084 no longer provides for punishment of  
9 misdemeanors.

10  
11 Section 26. Paragraph (f) of subsection (6) and  
12 paragraph (g) of subsection (13) of section 849.086, Florida  
13 Statutes, are amended to read:

14 849.086 Cardrooms authorized.--

15 (6) BUSINESS AND EMPLOYEE OCCUPATIONAL LICENSE  
16 REQUIRED; APPLICATION; FEES.--

17 (f) The division shall promulgate rules regarding  
18 cardroom occupational licenses. The provisions specified in  
19 s. 550.105(4), (5), (6), (7), (8), and (10)~~550.105(3), (4),~~  
20 ~~(5), (6), (7), and (9)~~ relating to licensure shall be  
21 applicable to cardroom occupational licenses.

22 (13) TAXES AND OTHER PAYMENTS.--

23 (g) All of the moneys deposited in the Pari-mutuel  
24 Wagering Trust Fund, except as set forth in paragraph (h),  
25 shall be utilized and distributed in the manner specified in  
26 s. 550.135(1) and (2)~~550.135(3) and (4)~~. However, cardroom  
27 tax revenues shall be kept separate from pari-mutuel tax  
28 revenues and shall not be used for making the disbursement to  
29 counties provided in former s. 550.135(1).

30  
31

1 Reviser's note.--Paragraph (6)(f) is amended to  
2 conform to the redesignation of subunits in s.  
3 550.105 by s. 23, ch. 2000-354, Laws of  
4 Florida. Paragraph (13)(g) is amended to  
5 conform to the deletion of former s. 550.135(1)  
6 and (2) and the redesignation of s. 550.135(3)  
7 and (4) as s. 550.135(1) and (2) by s. 5, ch.  
8 2000-354.

9  
10 Section 27. Subsection (4) and paragraph (e) of  
11 subsection (11) of section 849.0931, Florida Statutes, are  
12 amended to read:

13 849.0931 Bingo authorized; conditions for conduct;  
14 permitted uses of proceeds; limitations.--

15 (4) The right of a condominium association, a  
16 cooperative association, a homeowners' association as defined  
17 in s. 720.301 ~~617.301~~, a mobile home owners' association, a  
18 group of residents of a mobile home park as defined in chapter  
19 723, or a group of residents of a mobile home park or  
20 recreational vehicle park as defined in chapter 513 to conduct  
21 bingo is conditioned upon the return of the net proceeds from  
22 such games to players in the form of prizes after having  
23 deducted the actual business expenses for such games for  
24 articles designed for and essential to the operation, conduct,  
25 and playing of bingo. Any net proceeds remaining after paying  
26 prizes may be donated by the association to a charitable,  
27 nonprofit, or veterans' organization which is exempt from  
28 federal income tax under the provisions of s. 501(c) of the  
29 Internal Revenue Code to be used in such recipient  
30 organization's charitable, civic, community, benevolent,  
31 religious, or scholastic works or similar activities or, in

1 the alternative, such remaining proceeds shall be used as  
2 specified in subsection (3).

3 (11) Bingo games may be held only on the following  
4 premises:

5 (e) With respect to bingo games conducted by a  
6 condominium association, a cooperative association, a  
7 homeowners' association as defined in s. 720.301 ~~617.301~~, a  
8 mobile home owners' association, a group of residents of a  
9 mobile home park as defined in chapter 723, or a group of  
10 residents of a mobile home park or recreational vehicle park  
11 as defined in chapter 513, property owned by the association,  
12 property owned by the residents of the mobile home park or  
13 recreational vehicle park, or property which is a common area  
14 located within the condominium, mobile home park, or  
15 recreational vehicle park.

16  
17 Reviser's note.--Amended to conform to the  
18 redesignation of s. 617.301 as s. 720.301 by s.  
19 44, ch. 2000-258, Laws of Florida.

20  
21 Section 28. Effective July 1, 2001, subsection (4) of  
22 section 849.0931, Florida Statutes, as amended by section 59  
23 of chapter 2000-258, Laws of Florida, is amended to read:

24 849.0931 Bingo authorized; conditions for conduct;  
25 permitted uses of proceeds; limitations.--

26 (4) The right of a condominium association, a  
27 cooperative association, a homeowners' association as defined  
28 in s. 720.301 ~~702.301~~, a mobile home owners' association, a  
29 group of residents of a mobile home park as defined in chapter  
30 723, or a group of residents of a mobile home park or  
31 recreational vehicle park as defined in chapter 513 to conduct

1 bingo is conditioned upon the return of the net proceeds from  
2 such games to players in the form of prizes after having  
3 deducted the actual business expenses for such games for  
4 articles designed for and essential to the operation, conduct,  
5 and playing of bingo. Any net proceeds remaining after paying  
6 prizes may be donated by the association to a charitable,  
7 nonprofit, or veterans' organization which is exempt from  
8 federal income tax under the provisions of s. 501(c) of the  
9 Internal Revenue Code to be used in such recipient  
10 organization's charitable, civic, community, benevolent,  
11 religious, or scholastic works or similar activities or, in  
12 the alternative, such remaining proceeds shall be used as  
13 specified in subsection (3).

14

15 Reviser's note.--Amended to correct an apparent  
16 error and facilitate correct interpretation.

17 Section 702.301 does not exist. The former  
18 reference was to s. 617.301, which was  
19 redesignated as s. 720.301 by s. 44, ch.  
20 2000-258, Laws of Florida.

21

22 Section 29. Subsections (1) and (4) of section 914.27,  
23 Florida Statutes, are amended to read:

24 914.27 Confidentiality of victim and witness  
25 information.--

26 (1) Information held by any state or local law  
27 enforcement agency, state attorney, the statewide prosecutor,  
28 the Victim and Witness Protection Review Committee created  
29 pursuant to s. 943.031 ~~914.26~~, or the Department of Law  
30 Enforcement which discloses:

31

1           (a) The identity or location of a victim or witness  
2 who has been identified or certified for protection or  
3 relocation by the state attorney or statewide prosecutor  
4 pursuant to s. 914.25;

5           (b) The identity or location of an immediate family  
6 member of a victim or witness who has been identified or  
7 certified pursuant to s. 914.25;

8           (c) Relocation sites, techniques, or procedures  
9 utilized or developed as a result of the victim and witness  
10 protection services afforded by s. 914.25; or

11           (d) The identity or relocation site of any victim,  
12 witness, or immediate family member of a victim or witness who  
13 has made a relocation of permanent residence by reason of the  
14 victim's or witness's involvement in the investigation or  
15 prosecution giving rise to certification for protection or  
16 relocation pursuant to s. 914.25;

17  
18 is confidential and exempt from the provisions of s. 119.07(1)  
19 and s. 24(a), Art. I of the State Constitution. Such  
20 information may be shared by law enforcement agencies, state  
21 attorneys, and the statewide prosecutor to facilitate the  
22 protection or relocation services provided pursuant to s.  
23 914.25 and to support the prosecution efforts of the state  
24 attorneys and the statewide prosecutor. Any information so  
25 shared must remain confidential and exempt in the hands of any  
26 agency or entity to which the information is provided.

27           (4) The certifying state attorney or statewide  
28 prosecutor may state in writing to the Victim and Witness  
29 Protection Review Committee established pursuant to s. 943.031  
30 ~~914.26~~ that even though certification for participation in the  
31 victim or witness protection program is about to expire,



1 disclosure of information made confidential and exempt by  
2 paragraph (1)(a) or paragraph (1)(b) continues to constitute  
3 an unwarranted risk to, or jeopardizes the safety of, victims,  
4 witnesses, or family members of such victims or witnesses.  
5 Accordingly, the confidential and exempt status of such  
6 information shall continue until the certifying state attorney  
7 or statewide prosecutor determines that disclosure of the  
8 information would not constitute an unwarranted risk to, or  
9 jeopardize the safety of, any person, and provides written  
10 notification to that effect to the Victim and Witness  
11 Protection Review Committee.

12

13 This section is subject to the Open Government Sunset Review  
14 Act of 1995 in accordance with s. 119.15, and shall stand  
15 repealed on October 2, 2002, unless reviewed and saved from  
16 repeal through reenactment by the Legislature.

17

18 Reviser's note.--Amended to correct an apparent  
19 error. Section 914.26 does not exist. The  
20 Victim and Witness Protection Review Committee  
21 is created in s. 943.031 by s. 2, ch. 97-52,  
22 Laws of Florida.

23

24 Section 30. Paragraph (g) of subsection (3) of section  
25 921.0022, Florida Statutes, is amended to read:

26 921.0022 Criminal Punishment Code; offense severity  
27 ranking chart.--

28

(3) OFFENSE SEVERITY RANKING CHART

29

30

31

1	Florida	Felony	
2	Statute	Degree	Description
3			
4			(g) LEVEL 7
5	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
6			
7	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
8			
9	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
10			
11			
12			
13			
14	409.920(2)	3rd	Medicaid provider fraud.
15	456.065(2)	3rd	Practicing a health care profession without a license.
16			
17	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
18			
19			
20			
21	458.327(1)	3rd	Practicing medicine without a license.
22			
23	459.013(1)	3rd	Practicing osteopathic medicine without a license.
24			
25	460.411(1)	3rd	Practicing chiropractic medicine without a license.
26			
27	461.012(1)	3rd	Practicing podiatric medicine without a license.
28			
29	462.17	3rd	Practicing naturopathy without a license.
30			
31			

1	463.015(1)	3rd	Practicing optometry without a
2			license.
3	464.016(1)	3rd	Practicing nursing without a
4			license.
5	465.015(2)	3rd	Practicing pharmacy without a
6			license.
7	466.026(1)	3rd	Practicing dentistry or dental
8			hygiene without a license.
9	467.201	3rd	Practicing midwifery without a
10			license.
11	468.366	3rd	Delivering respiratory care
12			services without a license.
13	483.828(1)	3rd	Practicing as clinical laboratory
14			personnel without a license.
15	483.901(9)	3rd	Practicing medical physics
16			without a license.
17	484.053	3rd	Dispensing hearing aids without a
18			license.
19	494.0018(2)	1st	Conviction of any violation of
20			ss. 494.001-494.0077 in which the
21			total money and property
22			unlawfully obtained exceeded
23			\$50,000 and there were five or
24			more victims.
25	560.123(8)(b)1.	3rd	Failure to report currency or
26			payment instruments exceeding
27			\$300 but less than \$20,000 by
28			money transmitter.
29			
30			
31			

1	560.125(5)(a)	3rd	Money transmitter business by
2			unauthorized person, currency or
3			payment instruments exceeding
4			\$300 but less than \$20,000.
5	655.50(10)(b)1.	3rd	Failure to report financial
6			transactions exceeding \$300 but
7			less than \$20,000 by financial
8			institution.
9	782.051(3)	2nd	Attempted felony murder of a
10			person by a person other than the
11			perpetrator or the perpetrator of
12			an attempted felony.
13	782.07(1)	2nd	Killing of a human being by the
14			act, procurement, or culpable
15			negligence of another
16			(manslaughter).
17	782.071	2nd	Killing of human being or viable
18			fetus by the operation of a motor
19			vehicle in a reckless manner
20			(vehicular homicide).
21	782.072	2nd	Killing of a human being by the
22			operation of a vessel in a
23			reckless manner (vessel
24			homicide).
25	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
26			causing great bodily harm or
27			disfigurement.
28	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
29			weapon.
30	784.045(1)(b)	2nd	Aggravated battery; perpetrator
31			aware victim pregnant.

1	784.048(4)	3rd	Aggravated stalking; violation of
2			injunction or court order.
3	784.07(2)(d)	1st	Aggravated battery on law
4			enforcement officer.
5	784.08(2)(a)	1st	Aggravated battery on a person 65
6			years of age or older.
7	784.081(1)	1st	Aggravated battery on specified
8			official or employee.
9	784.082(1)	1st	Aggravated battery by detained
10			person on visitor or other
11			detainee.
12	784.083(1)	1st	Aggravated battery on code
13			inspector.
14	790.07(4)	1st	Specified weapons violation
15			subsequent to previous conviction
16			of s. 790.07(1) or (2).
17	790.16(1)	1st	Discharge of a machine gun under
18			specified circumstances.
19	790.166(3)	2nd	Possessing, selling, using, or
20			attempting to use a hoax weapon
21			of mass destruction.
22	796.03	2nd	Procuring any person under 16
23			years for prostitution.
24	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
25			victim less than 12 years of age;
26			offender less than 18 years.
27	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
28			victim 12 years of age or older
29			but less than 16 years; offender
30			18 years or older.
31			

1	806.01(2)	2nd	Maliciously damage structure by
2			fire or explosive.
3	810.02(3)(a)	2nd	Burglary of occupied dwelling;
4			unarmed; no assault or battery.
5	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
6			unarmed; no assault or battery.
7	810.02(3)(d)	2nd	Burglary of occupied conveyance;
8			unarmed; no assault or battery.
9	812.014(2)(a)	1st	Property stolen, valued at
10			\$100,000 or more; property stolen
11			while causing other property
12			damage; 1st degree grand theft.
13	812.019(2)	1st	Stolen property; initiates,
14			organizes, plans, etc., the theft
15			of property and traffics in
16			stolen property.
17	812.131(2)(a)	2nd	Robbery by sudden snatching.
18	812.133(2)(b)	1st	Carjacking; no firearm, deadly
19			weapon, or other weapon.
20	825.102(3)(b)	2nd	Neglecting an elderly person or
21			disabled adult causing great
22			bodily harm, disability, or
23			disfigurement.
24	825.1025(2)	2nd	Lewd or lascivious battery upon
25			an elderly person or disabled
26			adult.
27	825.103(2)(b)	2nd	Exploiting an elderly person or
28			disabled adult and property is
29			valued at \$20,000 or more, but
30			less than \$100,000.
31			

1	827.03(3)(b)	2nd	Neglect of a child causing great
2			bodily harm, disability, or
3			disfigurement.
4	827.04(3)	3rd	Impregnation of a child under 16
5			years of age by person 21 years
6			of age or older.
7	837.05(2)	3rd	Giving false information about
8			alleged capital felony to a law
9			enforcement officer.
10	872.06	2nd	Abuse of a dead human body.
11	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
12			cocaine (or other drug prohibited
13			under s. 893.03(1)(a), (1)(b),
14			(1)(d), (2)(a), (2)(b), or
15			(2)(c)4.) within 1,000 feet of a
16			child care facility or school.
17	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
18			cocaine or other drug prohibited
19			under s. 893.03(1)(a), (1)(b),
20			(1)(d), (2)(a), (2)(b), or
21			(2)(c)4., within 1,000 feet of
22			property used for religious
23			services or a specified business
24			site.
25	893.13(4)(a)	1st	Deliver to minor cocaine (or
26			other s. 893.03(1)(a), (1)(b),
27			(1)(d), (2)(a), (2)(b), or
28			(2)(c)4. drugs).
29	893.135(1)(a)1.	1st	Trafficking in cannabis, more
30			than <u>25</u> <del>50</del> lbs., less than 2,000
31			lbs.

1	893.135		
2	(1)(b)1.a.	1st	Trafficking in cocaine, more than
3			28 grams, less than 200 grams.
4	893.135		
5	(1)(c)1.a.	1st	Trafficking in illegal drugs,
6			more than 4 grams, less than 14
7			grams.
8	893.135		
9	(1)(d)1.	1st	Trafficking in phencyclidine,
10			more than 28 grams, less than 200
11			grams.
12	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
13			than 200 grams, less than 5
14			kilograms.
15	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
16			than 14 grams, less than 28
17			grams.
18	893.135		
19	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
20			grams or more, less than 14
21			grams.
22	893.135		
23	(1)(h)1.a.	1st	Trafficking in
24			gamma-hydroxybutyric acid (GHB),
25			1 kilogram or more, less than 5
26			kilograms.
27	893.135		
28	(1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1
29			kilogram or more, less then 5
30			kilograms.
31			



1 893.135  
2 (1)(j)2.a. 1st Trafficking in Phenethylamines,  
3 10 grams or more, less than 200  
4 grams.  
5 896.101(5)(a) 3rd Money laundering, financial  
6 transactions exceeding \$300 but  
7 less than \$20,000.  
8 896.104(4)(a)1. 3rd Structuring transactions to evade  
9 reporting or registration  
10 requirements, financial  
11 transactions exceeding \$300 but  
12 less than \$20,000.

13  
14 Reviser's note.--Amended to improve clarity and  
15 facilitate correct interpretation. The poundage  
16 was decreased to 25 pounds by s. 9, ch. 99-188,  
17 Laws of Florida.

18  
19 Section 31. Subsection (3) of section 943.08, Florida  
20 Statutes, is amended to read:

21 943.08 Duties; Criminal and Juvenile Justice  
22 Information Systems Council.--

23 (3) The council shall develop and approve a strategic  
24 plan pursuant to the requirements set forth in s. 186.022  
25 ~~186.022(9)~~. Copies of the approved plan shall be transmitted,  
26 electronically or in writing, to the Executive Office of the  
27 Governor, the Speaker of the House of Representatives, the  
28 President of the Senate, and the council members.

29  
30 Reviser's note.--Amended to conform to the  
31 deletion of subunits from s. 186.022 by s. 43,

1 ch. 2000-371, Laws of Florida; the remaining  
2 language is similar to former subsection (9).

3  
4 Section 32. Paragraph (c) of subsection (1) of section  
5 943.11, Florida Statutes, is amended to read:

6 943.11 Criminal Justice Standards and Training  
7 Commission; membership; meetings; compensation.--

8 (1)

9 (c) Members appointed by the Governor shall be  
10 appointed for terms of 4 years, and no member shall serve  
11 beyond the time he or she ceases to hold the office or  
12 employment by reason of which the member was eligible for  
13 appointment to the commission. Any member appointed to fill a  
14 vacancy occurring because of death, resignation, or  
15 ineligibility for membership shall serve only for the  
16 unexpired term of his or her predecessor. ~~Members who have~~  
17 ~~been duly appointed as of the effective date of this act shall~~  
18 ~~complete their terms of office.~~

19  
20 Reviser's note.--Amended to delete language  
21 that has served its purpose. Pursuant to s. 33,  
22 ch. 84-258, Laws of Florida, the referenced act  
23 was effective October 1, 1984, and the text  
24 indicates commission terms are for 4 years.

25  
26 Section 33. Subsection (3) of section 943.125, Florida  
27 Statutes, is amended to read:

28 943.125 Law enforcement agency accreditation.--

29 (3) ARREST AND SECURITY PROTOCOLS REPORT.--No later  
30 than October 1, 1996, the Florida Sheriffs Association and the  
31 Florida Police Chiefs Association, either jointly or

1 separately, and in consultation with the Association of  
2 Voluntary Hospitals of Florida, Inc. and the Statutory  
3 Teaching Hospital Council, shall develop protocols  
4 establishing when injured apprehendees will be placed under  
5 arrest and how security will be provided during any  
6 hospitalization of such apprehendees, ~~and shall report to the~~  
7 ~~Legislature by January 1, 1997, on the protocols that have~~  
8 ~~been established. The report developed pursuant to this~~  
9 ~~section shall also address the cost to hospitals of providing~~  
10 ~~unreimbursed medical services to persons who are injured in~~  
11 ~~the course of or at the time of apprehension.~~

12

13 Reviser's note.--Amends a provision to delete  
14 language that has served its purpose. Protocols  
15 relating to the arrest of injured apprehendees  
16 and provision of security during  
17 hospitalization were developed by October 1,  
18 1996, and reported to the Legislature on  
19 December 31, 1996.

20

21 Section 34. Paragraph (d) of subsection (2) of section  
22 960.065, Florida Statutes, is amended to read:

23 960.065 Eligibility for awards.--

24 (2) Any claim filed by or on behalf of a person who:

25 (d) Has been adjudicated as a habitual felony  
26 offender, habitual violent offender, or violent career  
27 criminal under s. 775.084 ~~785.084~~; or

28

29 shall not be eligible for an award.

30

31

1 Reviser's note.--Amended to improve clarity and  
2 facilitate correct interpretation. Section  
3 785.084 does not exist. Section 775.084 relates  
4 to violent career criminals.  
5

6 Section 35. Subsection (1) of section 984.03, Florida  
7 Statutes, is amended to read:

8 984.03 Definitions.--When used in this chapter, the  
9 term:

10 (1) "Abandoned" means a situation in which the parent  
11 or legal custodian of a child or, in the absence of a parent  
12 or legal custodian, the person responsible for the child's  
13 welfare, while being able, makes no provision for the child's  
14 support and makes no effort to communicate with the child,  
15 which situation is sufficient to evince a willful rejection of  
16 parental obligations. If the efforts of such parent or legal  
17 custodian, or person primarily responsible for the child's  
18 welfare to support and communicate with the child are, in the  
19 opinion of the court, only marginal efforts that do not evince  
20 a settled purpose to assume all parental duties, the court may  
21 declare the child to be abandoned. The term "abandoned" does  
22 not include a "child in need of services" as defined in  
23 subsection (9) or a "family in need of services" as defined in  
24 subsection (25)~~(27)~~. The incarceration of a parent, legal  
25 custodian, or person responsible for a child's welfare does  
26 not constitute a bar to a finding of abandonment.  
27

28 Reviser's note.--Amended to conform to the  
29 redesignation of subsection (27) as subsection  
30 (25) by s. 13, ch. 2000-135, Laws of Florida.  
31

1           Section 36. Paragraph (b) of subsection (3) of section  
2 985.201, Florida Statutes, is amended to read:

3           985.201 Jurisdiction.--

4           (3)

5           (b) The jurisdiction to be exercised by the court when  
6 a child is taken into custody before the filing of a petition  
7 under s. 985.219(8)~~985.219(7)~~ shall be exercised by the  
8 circuit court for the county in which the child is taken into  
9 custody, which court shall have personal jurisdiction of the  
10 child and the child's parent or legal guardian. Upon the  
11 filing of a petition in the appropriate circuit court, the  
12 court that is exercising initial jurisdiction of the person of  
13 the child shall, if the child has been detained, immediately  
14 order the child to be transferred to the detention center or  
15 facility or other placement as ordered by the court having  
16 subject matter jurisdiction of the case.

17  
18           Reviser's note.--Amended to conform to the  
19 redesignation of s. 985.219(7) as s. 985.219(8)  
20 by s. 11, ch. 2000-134, Laws of Florida.

21  
22           Section 37. Subsection (2) of section 985.215, Florida  
23 Statutes, is amended to read:

24           985.215 Detention.--

25           (2) Subject to the provisions of subsection (1), a  
26 child taken into custody and placed into nonsecure or home  
27 detention care or detained in secure detention care prior to a  
28 detention hearing may continue to be detained by the court if:

29           (a) The child is alleged to be an escapee or an  
30 absconder from a commitment program, a probation program,  
31 furlough, or conditional release supervision, or is alleged to

1 have escaped while being lawfully transported to or from such  
2 program or supervision.

3 (b) The child is wanted in another jurisdiction for an  
4 offense which, if committed by an adult, would be a felony.

5 (c) The child is charged with a delinquent act or  
6 violation of law and requests in writing through legal counsel  
7 to be detained for protection from an imminent physical threat  
8 to his or her personal safety.

9 (d) The child is charged with committing an offense of  
10 domestic violence as defined in s. 741.28(1) and is detained  
11 as provided in s. 985.213(2)(b)3.

12 (e) The child is charged with possession or  
13 discharging a firearm on school property in violation of s.  
14 790.115.

15 (f) The child is charged with a capital felony, a life  
16 felony, a felony of the first degree, a felony of the second  
17 degree that does not involve a violation of chapter 893, or a  
18 felony of the third degree that is also a crime of violence,  
19 including any such offense involving the use or possession of  
20 a firearm.

21 (g) The child is charged with any second degree or  
22 third degree felony involving a violation of chapter 893 or  
23 any third degree felony that is not also a crime of violence,  
24 and the child:

25 1. Has a record of failure to appear at court hearings  
26 after being properly notified in accordance with the Rules of  
27 Juvenile Procedure;

28 2. Has a record of law violations prior to court  
29 hearings;

30 3. Has already been detained or has been released and  
31 is awaiting final disposition of the case;

1           4. Has a record of violent conduct resulting in  
2 physical injury to others; or

3           5. Is found to have been in possession of a firearm.

4           (h) The child is alleged to have violated the  
5 conditions of the child's probation or conditional release  
6 supervision. However, a child detained under this paragraph  
7 may be held only in a consequence unit as provided in s.  
8 985.231(1)(a)1.c. If a consequence unit is not available, the  
9 child shall be placed on home detention with electronic  
10 monitoring.

11           (i) The child is detained on a judicial order for  
12 failure to appear and has previously willfully failed to  
13 appear, after proper notice, for an adjudicatory hearing on  
14 the same case regardless of the results of the risk assessment  
15 instrument. A child may be held in secure detention for up to  
16 72 hours in advance of the next scheduled court hearing  
17 pursuant to this paragraph. The child's failure to keep the  
18 clerk of court and defense counsel informed of a current and  
19 valid mailing address where the child will receive notice to  
20 appear at court proceedings does not provide an adequate  
21 ground for excusal of the child's nonappearance at the  
22 hearings.

23           (j) The child is detained on a judicial order for  
24 failure to appear and has previously willfully failed to  
25 appear, after proper notice, at two or more court hearings of  
26 any nature on the same case regardless of the results of the  
27 risk assessment instrument. A child may be held in secure  
28 detention for up to 72 hours in advance of the next scheduled  
29 court hearing pursuant to this paragraph. The child's failure  
30 to keep the clerk of court and defense counsel informed of a  
31 current and valid mailing address where the child will receive

1 notice to appear at court proceedings does not provide an  
2 adequate ground for excusal of the child's nonappearance at  
3 the hearings.

4

5 A child who meets any of these criteria and who is ordered to  
6 be detained pursuant to this subsection shall be given a  
7 hearing within 24 hours after being taken into custody. The  
8 purpose of the detention hearing is to determine the existence  
9 of probable cause that the child has committed the delinquent  
10 act or violation of law with which he or she is charged and  
11 the need for continued detention. Unless a child is detained  
12 under paragraph (d) or paragraph (e), the court shall utilize  
13 the results of the risk assessment performed by the juvenile  
14 probation officer and, based on the criteria in this  
15 subsection, shall determine the need for continued detention.  
16 A child placed into secure, nonsecure, or home detention care  
17 may continue to be so detained by the court pursuant to this  
18 subsection. If the court orders a placement more restrictive  
19 than indicated by the results of the risk assessment  
20 instrument, the court shall state, in writing, clear and  
21 convincing reasons for such placement. Except as provided in  
22 s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),  
23 paragraph (10)(c), or paragraph (10)(d), when a child is  
24 placed into secure or nonsecure detention care, or into a  
25 respite home or other placement pursuant to a court order  
26 following a hearing, the court order must include specific  
27 instructions that direct the release of the child from such  
28 placement no later than 5 p.m. on the last day of the  
29 detention period specified in paragraph (5)(b) or paragraph  
30 (5)(c), or subparagraph (10)(a)1., whichever is applicable,  
31 unless the requirements of such applicable provision have been



1 met or an order of continuance has been granted pursuant to  
2 paragraph (5)(f) ~~(5)(d)~~.

3

4 Reviser's note.--Amended to conform to the  
5 redesignation of paragraph (5)(d) as paragraph  
6 (5)(f) by the reviser incident to the  
7 compilation of the Florida Statutes 2000.

8

9 Section 38. Subsection (1) of section 985.225, Florida  
10 Statutes, is amended to read:

11 985.225 Indictment of a juvenile.--

12 (1) A child of any age who is charged with a violation  
13 of state law punishable by death or by life imprisonment is  
14 subject to the jurisdiction of the court as set forth in s.  
15 985.219(8) ~~985.219(7)~~ unless and until an indictment on the  
16 charge is returned by the grand jury. When such indictment is  
17 returned, the petition for delinquency, if any, must be  
18 dismissed and the child must be tried and handled in every  
19 respect as an adult:

20 (a) On the offense punishable by death or by life  
21 imprisonment; and

22 (b) On all other felonies or misdemeanors charged in  
23 the indictment which are based on the same act or transaction  
24 as the offense punishable by death or by life imprisonment or  
25 on one or more acts or transactions connected with the offense  
26 punishable by death or by life imprisonment.

27

28 Reviser's note.--Amended to conform to the  
29 redesignation of s. 985.219(7) as s. 985.219(8)  
30 by s. 11, ch. 2000-134, Laws of Florida.

31

1           Section 39. Subsection (1) of section 985.228, Florida  
2 Statutes, is amended to read:

3           985.228 Adjudicatory hearings; withheld adjudications;  
4 orders of adjudication.--

5           (1) The adjudicatory hearing must be held as soon as  
6 practicable after the petition alleging that a child has  
7 committed a delinquent act or violation of law is filed and in  
8 accordance with the Florida Rules of Juvenile Procedure; but  
9 reasonable delay for the purpose of investigation, discovery,  
10 or procuring counsel or witnesses shall be granted. If the  
11 child is being detained, the time limitations provided for in  
12 s. 985.215(5)(c) and (d)~~985.215(5)(b) and (c)~~ apply.

13  
14           Reviser's note.--Amended to conform to the  
15 redesignation of s. 985.215(5)(b) and (c) as s.  
16 985.215(5)(c) and (d) by s. 9, ch. 2000-134,  
17 Laws of Florida.

18  
19           Section 40. Section 985.23, Florida Statutes, is  
20 reenacted to read:

21           985.23 Disposition hearings in delinquency  
22 cases.--When a child has been found to have committed a  
23 delinquent act, the following procedures shall be applicable  
24 to the disposition of the case:

25           (1) Before the court determines and announces the  
26 disposition to be imposed, it shall:

27           (a) State clearly, using common terminology, the  
28 purpose of the hearing and the right of persons present as  
29 parties to comment at the appropriate time on the issues  
30 before the court;

31

1           (b) Discuss with the child his or her compliance with  
2 any home release plan or other plan imposed since the date of  
3 the offense;

4           (c) Discuss with the child his or her feelings about  
5 the offense committed, the harm caused to the victim or  
6 others, and what penalty he or she should be required to pay  
7 for such transgression; and

8           (d) Give all parties present at the hearing an  
9 opportunity to comment on the issue of disposition and any  
10 proposed rehabilitative plan. Parties to the case shall  
11 include the parents, legal custodians, or guardians of the  
12 child; the child's counsel; the state attorney;  
13 representatives of the department; the victim if any, or his  
14 or her representative; representatives of the school system;  
15 and the law enforcement officers involved in the case.

16           (2) The first determination to be made by the court is  
17 a determination of the suitability or nonsuitability for  
18 adjudication and commitment of the child to the department.  
19 This determination shall include consideration of the  
20 recommendations of the department, which may include a  
21 predisposition report. The predisposition report shall  
22 include, whether as part of the child's multidisciplinary  
23 assessment, classification, and placement process components  
24 or separately, evaluation of the following criteria:

25           (a) The seriousness of the offense to the community.  
26 If the court determines that the child was a member of a  
27 criminal street gang at the time of the commission of the  
28 offense, which determination shall be made pursuant to chapter  
29 874, the seriousness of the offense to the community shall be  
30 given great weight.

31

1           (b) Whether the protection of the community requires  
2 adjudication and commitment to the department.

3           (c) Whether the offense was committed in an  
4 aggressive, violent, premeditated, or willful manner.

5           (d) Whether the offense was against persons or against  
6 property, greater weight being given to offenses against  
7 persons, especially if personal injury resulted.

8           (e) The sophistication and maturity of the child.

9           (f) The record and previous criminal history of the  
10 child, including without limitations:

11           1. Previous contacts with the department, the former  
12 Department of Health and Rehabilitative Services, the  
13 Department of Children and Family Services, the Department of  
14 Corrections, other law enforcement agencies, and courts;

15           2. Prior periods of probation;

16           3. Prior adjudications of delinquency; and

17           4. Prior commitments to institutions.

18           (g) The prospects for adequate protection of the  
19 public and the likelihood of reasonable rehabilitation of the  
20 child if committed to a community services program or  
21 facility.

22           (h) The child's educational status, including, but not  
23 limited to, the child's strengths, abilities, and unmet and  
24 special educational needs. The report shall identify  
25 appropriate educational and vocational goals for the child.  
26 Examples of appropriate goals include:

27           1. Attainment of a high school diploma or its  
28 equivalent.

29           2. Successful completion of literacy course(s).

30           3. Successful completion of vocational course(s).

31

1           4. Successful attendance and completion of the child's  
2 current grade if enrolled in school.

3           5. Enrollment in an apprenticeship or a similar  
4 program.

5  
6 At the time of disposition, the court may make recommendations  
7 to the department as to specific treatment approaches to be  
8 employed.

9           (3)(a) If the court determines that the child should  
10 be adjudicated as having committed a delinquent act and should  
11 be committed to the department, such determination shall be in  
12 writing or on the record of the hearing. The determination  
13 shall include a specific finding of the reasons for the  
14 decision to adjudicate and to commit the child to the  
15 department, including any determination that the child was a  
16 member of a criminal street gang.

17           (b) If the court determines that commitment to the  
18 department is appropriate, the juvenile probation officer  
19 shall recommend to the court the most appropriate placement  
20 and treatment plan, specifically identifying the  
21 restrictiveness level most appropriate for the child. If the  
22 court has determined that the child was a member of a criminal  
23 street gang, that determination shall be given great weight in  
24 identifying the most appropriate restrictiveness level for the  
25 child. The court shall consider the department's  
26 recommendation in making its commitment decision.

27           (c) The court shall commit the child to the department  
28 at the restrictiveness level identified or may order placement  
29 at a different restrictiveness level. The court shall state  
30 for the record the reasons which establish by a preponderance  
31 of the evidence why the court is disregarding the assessment

1 of the child and the restrictiveness level recommended by the  
2 department. Any party may appeal the court's findings  
3 resulting in a modified level of restrictiveness pursuant to  
4 this paragraph.

5 (d) The court may also require that the child be  
6 placed in a probation program following the child's discharge  
7 from commitment. Community-based sanctions pursuant to  
8 subsection (4) may be imposed by the court at the disposition  
9 hearing or at any time prior to the child's release from  
10 commitment.

11 (e) The court shall be responsible for the  
12 fingerprinting of any child at the disposition hearing if the  
13 child has been adjudicated or had adjudication withheld for  
14 any felony in the case currently before the court.

15 (4) If the court determines not to adjudicate and  
16 commit to the department, then the court shall determine what  
17 community-based sanctions it will impose in a probation  
18 program for the child. Community-based sanctions may include,  
19 but are not limited to, participation in substance abuse  
20 treatment, a day-treatment probation program, restitution in  
21 money or in kind, a curfew, revocation or suspension of the  
22 driver's license of the child, community service, and  
23 appropriate educational programs as determined by the district  
24 school board.

25 (5) After appropriate sanctions for the offense are  
26 determined, the court shall develop, approve, and order a plan  
27 of probation which will contain rules, requirements,  
28 conditions, and rehabilitative programs, including the option  
29 of a day-treatment probation program, which are designed to  
30 encourage responsible and acceptable behavior and to promote  
31

1 both the rehabilitation of the child and the protection of the  
2 community.

3 (6) The court may receive and consider any other  
4 relevant and material evidence, including other written or  
5 oral reports or statements, in its effort to determine the  
6 appropriate disposition to be made with regard to the child.  
7 The court may rely upon such evidence to the extent of its  
8 probative value, even though such evidence may not be  
9 technically competent in an adjudicatory hearing.

10 (7) The court shall notify any victim of the offense,  
11 if such person is known and within the jurisdiction of the  
12 court, of the hearing and shall notify and summon or subpoena,  
13 if necessary, the parents, legal custodians, or guardians of  
14 the child to attend the disposition hearing if they reside in  
15 the state.

16  
17 It is the intent of the Legislature that the criteria set  
18 forth in subsection (2) are general guidelines to be followed  
19 at the discretion of the court and not mandatory requirements  
20 of procedure. It is not the intent of the Legislature to  
21 provide for the appeal of the disposition made pursuant to  
22 this section.

23  
24 Reviser's note.--Section 30, ch. 2000-135, Laws  
25 of Florida, purported to amend portions of s.  
26 985.23, but failed to republish the flush left  
27 language at the end of the section. In the  
28 absence of affirmative evidence that the  
29 Legislature intended to repeal the flush left  
30 language, s. 985.23 is reenacted to confirm  
31 that the omission was not intended.

1           Section 41. Section 985.3141, Florida Statutes, is  
2 reenacted to read:

3           985.3141 Escapes from secure detention or residential  
4 commitment facility.--An escape from:

5           (1) Any secure detention facility maintained for the  
6 temporary detention of children, pending adjudication,  
7 disposition, or placement;

8           (2) Any residential commitment facility described in  
9 s. 985.03(45), maintained for the custody, treatment,  
10 punishment, or rehabilitation of children found to have  
11 committed delinquent acts or violations of law; or

12           (3) Lawful transportation to or from any such secure  
13 detention facility or residential commitment facility,

14  
15 constitutes escape within the intent and meaning of s. 944.40  
16 and is a felony of the third degree, punishable as provided in  
17 s. 775.082, s. 775.083, or s. 775.084.

18  
19           Reviser's note.--Section 41, ch. 2000-135, Laws  
20 of Florida, purported to amend subsection (2),  
21 but failed to republish the flush left language  
22 at the end of the section. In the absence of  
23 affirmative evidence that the Legislature  
24 intended to repeal the flush left language, s.  
25 985.3141 is reenacted to confirm that the  
26 omission was not intended.

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