

By the Committee on Rules, Ethics & Elections and Representative Goodlette

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 15 their purpose, or have been impliedly repealed
 16 or superseded; replacing incorrect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	7	8
Date	Amount	
9	September 30, 1998	\$800,000, or 10 percent of total
10		liabilities, or 1 percent of
11		annualized premium, whichever is
12		greater
13		
14	September 30, 1999	\$1,150,000, or 10 percent of total
15		liabilities, or 1.25 percent of
16		annualized premium, whichever is
17		greater
18		
19	September 30, 2000	\$1,500,000, or 10 percent of total
20		liabilities, or 2 percent of
21		annualized premium, whichever is
22		greater
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.

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 ors. 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
6			injury.
7	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
8			bodily injury.
9	402.319(2)	2nd	Misrepresentation and negligence
10			or intentional act resulting in
11			great bodily harm, permanent
12			disfiguration, permanent
13			disability, or death.
14	409.920(2)	3rd	Medicaid provider fraud.
15	456.065(2)	3rd	Practicing a health care
16			profession without a license.
17	456.065(2)	2nd	Practicing a health care
18			profession without a license
19			which results in serious bodily
20			injury.
21	458.327(1)	3rd	Practicing medicine without a
22			license.
23	459.013(1)	3rd	Practicing osteopathic medicine
24			without a license.
25	460.411(1)	3rd	Practicing chiropractic medicine
26			without a license.
27	461.012(1)	3rd	Practicing podiatric medicine
28			without a license.
29	462.17	3rd	Practicing naturopathy without a
30			license.
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> 50 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 than 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.

27
28
29
30
31