

# Florida's 2015 Legislative Session: Overview of Relevant New Laws

by Lydia Harley

Governor Rick Scott signed numerous bills into law this month that will have an impact in the areas of abortion, same sex adoption, juvenile justice, HIV testing, and the statute of limitations for the criminal prosecution of rape cases. For instance, women seeking an abortion must now wait an obligatory 24-hour period and have two separate, in-person, meetings with a medical provider before they can undergo the procedure. Exceptions are given to victims of rape, incest, domestic violence or human trafficking, if the woman can prove their circumstances with a police report, medical records or similar documentation. However, this new law has already faced criticism by the judiciary as Judge Charles Francis opined that state officials presented no evidence that the new requirements are not an additional burden on a woman's right to privacy under Florida's Right of Privacy Clause.

New laws on human trafficking have also been passed; comprising an increase in penalties for solicitation. Second time offenders will now be charged with a felony, and any offense thereafter is considered a second-degree felony, punishable by up to 15 years in prison.

The legislature, now aligning with Florida courts, also officially repealed a 38-year ban on same sex couples adopting

children. Interestingly, a separate bill that would have allowed adoption agencies to deny prospective parents an adoption based on the agency's religious or moral convictions, failed to pass.

Another notable change pertains to juvenile justice. First time offending juveniles will be given a citation instead of being arrested for misdemeanors. This law authorizes police officers to either issue a civil citation, a warning to the juvenile, or inform the child's parent/guardian of the child's infraction.

HIV testing will become easier in Florida as well. The new law eliminates the written consent of patients required to administer HIV tests, opening the path for HIV testing as a routine procedure. Patients will be informed that the test is being provided and have the option to opt-out. However, the requirement is only lifted from physicians that routinely test patients for HIV. Written consent forms will still be required for HIV testing by community-based organizations and in other "non-healthcare" settings, including mobile testing vans.

The statute of limitation for rape cases has been extended from 4 to 8 years, revising the time limitations for the criminal prosecution of sexual battery offenses if the victim is 16 years of age or older.

The act may be cited as the "43 Days Initiative Act" in honor of Danielle Sullivan, who, under the old law reported a rape 43 days too late. This new law also corrects a 2011 error by the Legislature that made "sexting" an unenforceable crime. In an attempt to stop charging minors with child pornography for sending inappropriate pictures of themselves, "sexting" is now a civil offense. For a first time "sexting" offense minors will be given a citation. The minor can then elect to complete 8 hours of community service work, pay a \$60 civil penalty, or participate in a cyber-safety program in lieu of appearing in court.

For a complete list of general and special laws enacted by the Florida Legislature, please visit [laws.flrules.org](http://laws.flrules.org). **B**



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