

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 195 — Juvenile Diversion Program Expunction

by Criminal Justice and Public Safety Subcommittee and Rep. Smith, D. and others (CS/SB 342
by Criminal Justice Committee and Senators Perry and Taddeo)

The bill amends s. 943.0582, F.S., to permit a juvenile who completed a diversion program for misdemeanor and felony offenses, other than a forcible felony or a felony involving the manufacture, sale, purchase, transport, possession, or use of a firearm or weapon, to apply to have the nonjudicial arrest record expunged. This expands the current law, which only permits juvenile diversion expunction for a misdemeanor offense.

Additionally, the bill amends s. 985.126, F.S., to permit a juvenile who completes a diversion program and who has been granted an expunction under s. 943.0582, F.S., to lawfully deny or fail to acknowledge his or her participation in the program and such expunction of the nonjudicial arrest record. This expands the current law, which only permits a juvenile who completes diversion for a first-time misdemeanor offense to lawfully deny or fail to acknowledge his or her participation in the program and the expunction.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 115-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

HB 197 — Pub. Rec./Nonjudicial Arrest Record of a Minor

by Rep. Smith, D. and others (CS/SB 344 by Criminal Justice Committee and Senator Perry)

The bill is the public records exemption linked to CS/HB 195. The bill provides that a nonjudicial record of the arrest of a minor who has successfully completed a diversion program and is eligible for expunction is made confidential and exempt from public disclosure, except that the record must be made available only to criminal justice agencies for specified purposes.

CS/HB 195 amends s. 943.0582, F.S., to permit a juvenile who completed a diversion program for misdemeanor and felony offenses, other than a forcible felony or a felony involving the manufacture, sale, purchase, transport, possession, or use of a firearm or weapon, to apply to have the nonjudicial arrest record expunged. This expands the current law, which only permits juvenile diversion expunction for a misdemeanor offense.

Additionally, CS/HB 195 amends s. 985.126, F.S., to permit a juvenile who completes a diversion program and who has been granted an expunction under s. 943.0582, F.S., to lawfully deny or fail to acknowledge his or her participation in the program and such expunction of the nonjudicial arrest record. This expands the current law, which only permits a juvenile who completes diversion for a first-time misdemeanor offense to lawfully deny or fail to acknowledge his or her participation in the program and the expunction.

The bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2027, unless reviewed and saved from the repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect on the same date that CS/HB 195 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Vote: Senate 38-0; House 115-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 226 — Care for Retired Police Dogs

by Appropriations Committee and Senators Powell, Burgess, Perry, Pizzo, Stewart, Torres, and Wright

The bill creates the Care for Retired Police Dogs Program. The program will provide reimbursement for up to \$1,500 of annual veterinary costs associated with caring for a retired police dog by the former handler or adopter who incurs the costs. The program will be administered and managed by a not-for-profit corporation in a contractual arrangement with the Florida Department of Law Enforcement after a competitive grant award process.

The bill requires that the program receive valid documentation of the dog's retirement from a law enforcement agency or correctional agency and that the dog served for 5 years or more. If the dog served more than one agency during its career, documentation from two or more law enforcement agencies or correctional agencies showing a total of at least 5 years of service is acceptable. Valid documentation is also required if the dog served 3 years or more with one or more law enforcement or correctional agencies, was injured in the line of duty while serving with a law enforcement or correctional agency, and retired from the agency the dog was serving with at the time of the injury due to injury. A valid paid invoice from the veterinarian for veterinary care is required in order for reimbursement of veterinary costs to occur.

The bill includes an appropriation of \$300,000 in recurring funds from the General Revenue Fund for the purpose of implementing and administering the program.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 36-0; House 117-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 266 — Motor Vehicle Insurance

by Criminal Justice Committee and Senator Diaz

The bill creates s. 627.7491, F.S., which provides that if an employing agency authorizes a law enforcement officer to travel to his or her place of residence in an official law enforcement vehicle, the employing agency shall maintain current and valid motor vehicle insurance coverage, including bodily injury, death, and property damage liability coverage that covers the period in which an officer travels to or from work in an official law enforcement vehicle and covers the time an officer travels to and from any other employing agency assignment in such vehicle.

Such motor vehicle insurance is not required to provide coverage if:

- The law enforcement officer makes a distinct deviation for a nonessential personal errand unless a collective bargaining agreement permits such deviation; or
- The officer acts in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

The bill also provides that any suit or action brought or maintained against an employing agency for damages arising out of tort pursuant to this statute, including, without limitation, any claim arising upon account of an act causing loss of property, personal injury, or death, is subject to the limitations on tort claims or judgments against the state and its agencies and subdivisions provided in s. 768.28(5), F.S.

The bill also provides that the requirements of this statute may be met by any method authorized by s. 768.28(16), F.S., which authorizes the state and its agencies and subdivisions to be self-insured, to enter into risk management programs, or purchase whatever coverage they may choose, or any combination thereof.

The bill also defines the terms “employing agency” and “law enforcement officer” and provides a legislative finding and declaration that the bill fulfills an important state interest.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 37-0; House 117-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 287 — Tampering with or Fabricating Physical Evidence

by Criminal Justice and Public Safety Subcommittee and Rep. Garrison and others (CS/SB 796
by Criminal Justice Committee and Senator Bradley)

The bill creates a new felony offense building upon the current offense of tampering with or fabricating evidence. The new offense provides that tampering with or fabricating evidence relating to a criminal trial or proceeding or an investigation involving a capital offense is a second degree felony. The bill ranks the new offense as a Level 6 offense in the Offense Severity Ranking Chart. Additionally, the bill ranks the third degree felony offense of tampering with or fabricating physical evidence as a Level 3 offense in the Offense Severity Ranking Chart.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 39-0; House 111-1

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 444 — Indecent, Lewd, or Lascivious Touching

by Children, Families, and Elder Affairs Committee and Senators Perry and Book

The bill creates s. 794.051, F.S., which provides that it is a third degree felony for a person 24 years of age or older to intentionally touch in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of a person 16 or 17 years of age, or to force or entice such person to so touch the perpetrator.

This crime does not apply to a person 16 or 17 years of age who has had the disability of nonage removed.

This crime is ranked as a level 4 in the offense severity ranking chart of the Criminal Punishment Code.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 39-0; House 117-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 453 — Officer and Firefighter Physical Examination Requirements and Records

by Criminal Justice and Public Safety Subcommittee and Reps. Duggan, Byrd, and others
(CS/SB 1736 by Criminal Justice Committee and Senator Hooper)

The bill amends s. 112.18, F.S., which provides for a presumption relevant to workers' compensation. Specifically, the statute provides that any condition or impairment of health of a firefighter, law enforcement officer, correctional officer, or correctional probation officer caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death is presumed to have been accidental and to have been suffered in the line of duty unless the contrary is shown by competent evidence. A necessary precondition to the presumption is that the firefighter or officer successfully passed a physical examination upon entering into service, which examination failed to reveal any evidence of such condition.

The bill provides that if a firefighter did not undergo a pre-employment physical examination, the medical examination required for firefighter certification is deemed to satisfy the medical examination requirement, if the medical examination failed to reveal any evidence of tuberculosis, heart disease, or hypertension.

The bill also provides that if the firefighter underwent a pre-employment physical examination, the employing fire service provider must maintain records of the examination for at least 5 years after the employee's separation from the employing fire service provider. If the employing fire service provider fails to maintain the records of the examination for the required retention period, it is presumed that the employee met the requirement for the workers' compensation presumption.

The bill also amends s. 943.13, F.S., to require that the employing agency of a law enforcement officer, correctional officer, or correctional probation officer maintain records of the pre-employment physical examination for at least 5 years after the employee's separation from the employing agency. If the employing agency fails to maintain the records of the examination for the required retention period, it is presumed that the employee met the requirement for the workers' compensation presumption.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 108-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

SB 454 — Florida Commission on Offender Review

by Senator Perry

The bill increases the rate of payment for retired or former commissioners of the Florida Commission on Offender Review, who are assigned to temporary duty due to a workload need, from \$100 to \$200 per day or portion of a day.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 37-0; House 112-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 722 — Education for Student Inmates

by Criminal Justice Committee and Senator Perry

The bill authorizes a county or municipal detention facility or the Department of Corrections to contract with a Florida College System institution to provide education services to its inmates. The bill affirmatively provides that state funds provided for the operation of postsecondary workforce programs may be expended on a state inmate with 24 months or less remaining on his or her sentence, notwithstanding s. 1011.81(4), F.S., which prohibits state funds for the Florida College System Program Fund from being expended on the education of state or federal inmates.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 113-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/SB 752 — Probationary or Supervision Services for Misdemeanor Offenders

by Appropriations Committee; Criminal Justice Committee; and Senators Gainer, Pizzo, and Perry

The bill removes a statutory prohibition on a private entity providing probationary or supervision services to misdemeanor offenders who are sentenced by a circuit court. The bill also authorizes the Department of Corrections (DOC) to supervise misdemeanor offenders when such supervision is ordered by a circuit court, but retains the requirement that the DOC supervise felony offenders. Under current law, a private or a public entity may only provide probation services to offenders sentenced by a county court; and the DOC must supervise felony and misdemeanor offenders who are sentenced to or placed on probation or other supervision by a circuit court.

The bill transfers the authority to approve a contract with a private entity to provide supervision services for misdemeanor offenders from the county court judge or administrative judge to the chief judge of the circuit.

The bill authorizes probationers or offenders in community control to fulfill the reporting requirements of their terms and conditions of probation by reporting to their probation office remotely if approved by the relevant probation officer, county probation authority or entity, or the DOC, and if the court has not excluded remote reporting in its order of probation. If the DOC or a county probation authority authorizes remote reporting, the entity must adopt and make available remote reporting policies.

The bill requires the DOC to implement a graduated incentives system in a manner that encourages educational achievement and stable employment, in addition to promoting compliance with terms of supervision and prioritizing the highest level of supervision for probationers and offenders presenting the greatest risk of recidivism. The DOC must incentivize educational achievement by awarding a 60-day reduction in the term of supervision for a probationer or offender in community control who completes an educational advancement activity, such as obtaining a high school diploma, a high school equivalency degree, an academic degree, or a vocational certificate, during his or her term of supervision. The DOC must also incentivize stable employment by awarding a 30-day reduction in the term of supervision for a probationer or offender in community control who completes a period of “workforce achievement.” The bill defines “workforce achievement” as maintaining full-time, paid employment for at least 30 hours a week for a 6-month period. The DOC must verify such employment through supporting documentation, such as any record, letter, pay stub, contract, or other DOC-approved verification method.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 118-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

HB 873 — Pub. Rec./Execution Information

by Rep. Maney and others (SB 1204 by Senator Broxson)

The bill creates a public records exemption for certain persons or entities involved in executions. Specifically, the bill makes confidential and exempt from s. 119.07(1), F.S., and Art. 1, s. 24(a), State Constitution, information or records that identify or could reasonably lead to the identification of any person or entity that participates in, has participated in, or will participate in an execution, including those who administer, compound, dispense, distribute, maintain, manufacture, order, prepare, prescribe, provide, purchase, or supply drugs, chemicals, supplies, or equipment needed to conduct an execution.

The bill makes the exemption applicable to information and records held by the Department of Corrections before, on, or after the effective date of the bill.

This exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2027, unless reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 28-10; House 84-32

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 1012 — Victims of Crimes

by Judiciary Committee and Senators Burgess, Book, and Perry

The bill amends s. 960.001, F.S., to provide that, in addition to other enumerated information, a victim must be informed of his or her right to employ private counsel. A new provision is added that encourages The Florida Bar to develop a registry of attorneys who are willing to serve on a pro bono basis as advocates for crime victims.

This statute is amended to clarify that victims who are not incarcerated, or the victim's representatives, may, upon request, be informed, be present, and be heard at all stages of criminal and juvenile proceedings. The bill removes language from the existing statute to remove the conditions that a victim has a right to be informed, present, or to be heard "when relevant," at a "crucial" stage, and "to the extent that this right does not interfere with constitutional rights of the accused."

This statute is further amended to clarify that victims who are incarcerated may, upon request, be informed, and submit written statements at all stages of criminal and juvenile proceedings. The bill removes language from the existing statute to remove the requirement that the stage be a "crucial" stage for the incarcerated victim to be informed and submit statements at proceedings.

The bill amends ss. 960.0021 and 985.036, F.S., relating to a court's responsibility to inform a victim of his or her rights and the rights of a victim in a juvenile proceeding, respectively, to specify that the victim must be informed upon request.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 37-0; House 113-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 1046 — Public Records/Law Enforcement Geolocation Information

by Governmental Oversight and Accountability Committee and Senator Hooper

The bill amends s. 119.071, F.S., to make exempt from public disclosure law enforcement geolocation information held by a law enforcement agency. The bill defines the term “law enforcement geolocation information” as information collected using a global positioning system or another mapping, locational, or directional information system that allows tracking of the location or movement of a law enforcement officer or a law enforcement vehicle.

The exemption applies to such information held by an agency before, on, or after the effective date of the exemption. The exemption does not apply to uniform traffic citations, crash reports, homicide reports, arrest reports, incident reports, or any other official reports issued by an agency which contain law enforcement geolocation information.

A law enforcement agency must disclose law enforcement geolocation information in the following instances:

- Upon a request from a state or federal law enforcement agency;
- When a person files a petition with the circuit court in the jurisdiction where the agency having custody of the requested law enforcement geolocation information is located specifying the reasons for requesting such information and the court, upon a showing of good cause, issues an order authorizing the release of the law enforcement geolocation information; or
- When law enforcement geolocation information is requested for use in a criminal, civil, or administrative proceeding.

The bill specifies that law enforcement geolocation information released pursuant to a petition-initiated court order must be viewed or copied under the direct supervision of the custodian of the record or his or her designee. The bill also specifies that the exception from the exemption for use of such information in a criminal, civil, or administrative proceeding does not prohibit a court in such proceeding, upon a showing of good cause, from restricting or otherwise controlling the disclosure of such information.

The exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S., and stands repealed on October 2, 2027, unless reviewed and saved from repeal through reenactment by the Legislature.

Finally, the bill includes a statement of public necessity for the new public records exemption.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 37-1; House 112-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 1244 — Statutes of Limitation for Offenses Relating to Sexual Performance by a Child

by Criminal Justice Committee and Senator Gibson

The bill amends s. 775.15, F.S., to provide that there is no time limitation for the prosecution of any offense under s. 827.071(2) or (3), F.S., relating to use of a child in a sexual performance or promoting a sexual performance of a child, if the offender was 18 years of age or older at the time of the offense.

The bill provides that the exceptions to the time limitations apply to any offense that is not otherwise barred from prosecution on or before July 1, 2022.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 117-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 1534 — Retail Theft

by Criminal Justice Committee and Senators Boyd, Diaz, and Garcia

The bill amends s. 812.015, F.S., the retail theft statute, to create new third degree felony and second degree felony retail theft crimes based on multiple retail thefts occurring in a limited time period in different merchant locations. Specifically, the bill amends the statute to provide that a person commits retail theft, a third degree felony, if the person individually, or in concert with one or more other persons, commits five or more retail thefts within a 30-day period and in committing such thefts obtains or uses 10 or more items of merchandise, and the number of items stolen during each theft is aggregated within the 30-day period to determine the total number of items stolen, regardless of the value of such merchandise, and two or more of the thefts occur at different physical merchant locations.

The bill also amends the statute to provide that a person commits a second degree felony if the person individually, or in concert with one or more other persons, commits five or more retail thefts within a 30-day period and in committing such thefts obtains or uses 20 or more items of merchandise, and the number of items stolen during each theft is aggregated within the 30-day period to determine the total number of items stolen, regardless of the value of such merchandise, and two or more of the thefts occur at a different physical retail merchant location.

The bill also amends s. 921.0022, F.S., the offense severity level ranking chart of the Criminal Punishment Code, to rank the new third degree felony retail theft offense as a level 5 offense and rank the new second degree felony retail theft offense as a level 6 offense.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 38-0; House 80-36

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/SB 1798 — Sexually Related Offenses

by Appropriations Committee; Criminal Justice Committee; and Senator Book

The bill creates s. 836.13, F.S., to provide criminal and civil penalties for persons who promote certain altered sexual depictions. Colloquially known as “deep fakes,” these altered images often depict individuals engaging in sexual behavior that they did not engage in.

Specifically, the bill provides that a person commits a third degree felony when he or she willfully and maliciously promotes any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction.

The bill defines “altered sexual depiction” to mean any visual depiction that, as a result of any type of digital, electronic, mechanical, or other modification, alteration, or adaptation, depicts a realistic version of an identifiable person: with the nude body parts of another person as the nude body parts of the identifiable person; with computer-generated nude body parts as the nude body parts of the identifiable person; or engaging in sexual conduct in which the identifiable person did not engage.

Additionally, the bill defines “promote,” to mean to issue, sell, give, provide, lend, mail, deliver, transfer, transmit, transmute, publish, distribute, circulate, disseminate, present, exhibit, send, post, share, or advertise or to offer or agree to do the same. This definition of “promote,” is used in newly created ss. 836.13, and 836.14, F.S.

The bill creates s. 836.14, F.S., to provide criminal and civil penalties relating to theft or unauthorized promotion of a sexually explicit image. A person commits a third degree felony when he or she:

- Commits a theft of a sexually explicit image with the intent to promote such image; or
- Willfully possesses with the intent to promote a sexually explicit image for the purpose of pecuniary or any other financial gain, when he or she knows or should have known the image was obtained in violation of the offense described above.

The bill provides a higher penalty, a second degree felony, when a person willfully promotes, through the use of print media, an Internet website, or other electronic means, for the purpose of pecuniary or any type of financial gain a sexually explicit image of an identifiable person without that person’s consent.

The criminal and civil penalties created for the crimes in ss. 836.13 and 836.14, F.S., do not apply to:

- A provider of an interactive computer service, of an information service, or of a communications service which provides the transmission, storage, or caching of electronic communications or messages of others; another related telecommunications or commercial mobile radio service; or content provided by another person;

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- A law enforcement officer, or any local, state, federal, or military law enforcement agency that disseminates a sexually explicit image in connection with the performances of his or her duties;
- A person reporting unlawful activity; or
- A person participating in a hearing, trial, or other legal proceeding.

Additionally, the criminal and civil penalties created for the crimes in s. 863.14, F.S., do not apply to sexually explicit images:

- Involving voluntary exposure in a public or commercial setting; or
- Possessed or promoted by a bona fide news media organization for a legitimate and newsworthy purpose.

The felony offenses created in the bill are ranked in the offense severity ranking chart of the Criminal Punishment Code.

The bill expands the term “child pornography” to include any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means, to portray an identifiable minor engaged in sexual conduct.

The bill provides that “identifiable minor” means a person:

- Who was a minor at the time the image was created, altered, adapted, or modified, or whose image as a minor was used in the creating, altering, adapting, or modifying of the image; and
- Who is recognizable as an actual person by the person’s face, likeness, or other distinguishing characteristic, such as a unique birthmark, or other recognizable feature.

This term may not be construed to require proof of the actual identity of the identifiable minor.

The bill further amends s. 827.071, F.S., to replace the phrase “any sexual conduct by a child,” with the term “child pornography.” The term “child pornography,” includes images depicting any sexual conduct by a child.

The bill amends s. 775.0847, F.S., to replace the term “movie” with “motion picture, film, video, or computer-generated motion picture, film, or video,” for purposes of enhancing specified offenses relating to child sexual abuse material or obscenity.

The bill increases the minimum monetary damages from \$5,000 to \$10,000 that a victim of sexual cyberharassment may receive as a result of a civil action.

The bill provides that a law enforcement officer may arrest without a warrant any person who he or she has probable cause to believe possesses a child-like sex doll.

The bill amends s. 828.126, F.S., to remove the term “sexual conduct” and revise the term “sexual contact with an animal,” to encompass acts previously defined under “sexual conduct.”

The bill amends the prohibited conduct to include that a person may not knowingly: advertise, offer, solicit, or accept an offer of an animal for the purpose of sexual contact with such animal; or film, distribute, or possess any pornographic image or video of a person and an animal engaged in any prohibited acts related to sexual activities involving an animal.

The bill increases the penalty for sexual contact with an animal from a first degree misdemeanor to a third degree felony, and provides that the court must issue an order prohibiting a convicted person from specified behaviors that place them in close proximity to an animal. The bill also provides exceptions from criminal liability. This offense is ranked in the offense severity ranking chart of the Criminal Punishment Code.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 37-0; House 117-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

HB 6037 — Traveling Across County Lines to Commit a Burglary

by Rep. Snyder and others (SB 360 by Senator Harrell)

The bill amends s. 843.22, F.S., which provides an enhanced penalty for persons who travel across county lines with the intent to commit a burglary. The bill removes the requirement that the purpose of the travel must have been to thwart law enforcement attempts to track the items stolen in the burglary.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 24-13; House 79-36

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

HB 7009 — OGSR/Health Information/Department of Corrections

by Government Operations Subcommittee and Rep. Shoaf (SB 7030 by Criminal Justice Committee)

The bill amends s. 945.10, F.S., to save from repeal the current exemptions from public records disclosure of an inmate's or offender's protected health information and the identity of an inmate or offender upon whom an HIV test was performed and the subsequent test results held by the Department of Corrections (DOC).

The original public necessity statement provides that it is a public necessity that an inmate's or offender's protected health information and HIV testing held by the DOC remain confidential and exempt from public disclosure. Allowing such information to be publicly disclosed would, in some cases, conflict with federal law and would be a violation of the inmate's or prisoner's privacy under the Florida Constitution. Additionally, maintaining the confidentiality of HIV testing information is essential to an inmate's or prisoner's participation in such testing.

These exemptions, relating to an inmate's or offender's protected health information and the identity of an inmate or offender upon whom an HIV test was performed and the subsequent test results held by the DOC, are subject to the Open Government Sunset Review Act and stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature. This bill removes the scheduled repeal of the exemptions.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 38-0; House 116-0

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

HB 7015 — OGSR/Identity of a Witness to Murder

by Government Operations Subcommittee and Rep. Fetterhoff (SB 7032 by Criminal Justice Committee)

The bill saves from repeal the public records exemption for the criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, for two years after the date on which the witness observes the murder. The exemption makes the records confidential and exempt from public records requirements.

However, the exemption provides that a criminal justice agency may disclose such information:

- In furtherance of its official duties and responsibilities.
- To assist in locating and identifying the witness if the agency believes the witness to be missing or endangered.
- To another governmental agency for use in the performance of its official duties and responsibilities.
- To the parties in a pending criminal prosecution as required by law.

The Open Government Sunset Review Act requires the Legislature to review each public record and each public meeting exemption five years after enactment. The exemption contained in s. 119.071(2)(m)1., F.S., is scheduled to repeal on October 2, 2022. This bill removes the scheduled repeal to continue the confidential and exempt status.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 39-0; House 117-0