

<b>Tab 1</b>	<b>CS/SB 102</b> by <b>ED, Gaetz (CO-INTRODUCERS) Arrington;</b> Similar to CS/H 00127 Exceptional Student Education					
<b>Tab 2</b>	<b>SB 130</b> by <b>Bradley;</b> Identical to CS/H 00059 Compensation of Victims of Wrongful Incarceration					
<b>Tab 3</b>	<b>CS/CS/SB 138</b> by <b>ACJ, CJ, Wright;</b> Compare to CS/H 00687 Driving and Boating Offenses					
<b>Tab 4</b>	<b>SB 234</b> by <b>Leek;</b> Similar to H 00175 Criminal Offenses Against Law Enforcement Officers and Other Personnel					
<b>Tab 5</b>	<b>SB 274</b> by <b>Arrington;</b> Identical to CS/H 00177 Transportation Facility Designations/Harris Rosen Way					
142900	A	S	RCS	FP, Arrington	Delete L.10 - 17:	03/20 12:25 PM
<b>Tab 6</b>	<b>CS/SB 296</b> by <b>ED, Bradley (CO-INTRODUCERS) Yarborough, Davis;</b> Compare to CS/H 00261 Middle School and High School Start Times					
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<b>Tab 7</b>	<b>SB 400</b> by <b>Wright;</b> Compare to CS/H 01255 Interstate Compact on Educational Opportunity for Military Children					

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**FISCAL POLICY**  
**Senator Gruters, Chair**  
**Senator Osgood, Vice Chair**

**MEETING DATE:** Thursday, March 20, 2025  
**TIME:** 9:00 a.m.—12:00 noon  
**PLACE:** Pat Thomas Committee Room, 412 Knott Building

**MEMBERS:** Senator Gruters, Chair; Senator Osgood, Vice Chair; Senators Arrington, Avila, Bernard, Boyd, Bradley, Burton, Calatayud, Davis, Gaetz, Ingoglia, Jones, Leek, Passidomo, Rodriguez, Simon, Truenow, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/SB 102</b> Education Pre-K - 12 / Gaetz (Similar CS/H 127)	Exceptional Student Education; Requiring the Department of Education to develop and implement, by a specified date, a workforce credential program for students with an autism spectrum disorder or students on a modified curriculum; requiring the department to produce an annual report during a specified timeframe, etc.  ED 02/18/2025 Fav/CS AED 03/11/2025 Favorable FP 03/20/2025 Favorable	Favorable Yeas 19 Nays 0
2	<b>SB 130</b> Bradley (Identical CS/H 59)	Compensation of Victims of Wrongful Incarceration; Deleting the definition of the term "violent felony"; expanding the period during which a petition for compensation for wrongful incarceration may be filed; providing that a wrongfully incarcerated person is not eligible for compensation for any period of incarceration during which the person was concurrently serving a sentence for a conviction of another felony for which such person was lawfully incarcerated; revising provisions concerning the offset of civil judgments in favor of claimants against awards, etc.  CJ 02/11/2025 Favorable ACJ 03/05/2025 Favorable FP 03/20/2025 Favorable	Favorable Yeas 19 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Fiscal Policy

Thursday, March 20, 2025, 9:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	<b>CS/CS/SB 138</b> Appropriations Committee on Criminal and Civil Justice / Criminal Justice / Wright (Similar CS/H 687)	Driving and Boating Offenses; Citing this act as "Trenton's Law"; prohibiting a person from driving or being in actual physical control of a vehicle while under the influence of any impairing substance; requiring that a person be told that his or her failure to submit to a lawful test of breath or urine is a second degree misdemeanor or a first degree misdemeanor under certain circumstances; classifying a person's refusal to submit to a chemical or physical test of breath or urine as a second degree misdemeanor or a first degree misdemeanor under certain circumstances; authorizing state attorneys to create driving under the influence diversion programs, etc.  CJ 02/11/2025 Fav/CS ACJ 03/05/2025 Fav/CS FP 03/20/2025 Favorable	Favorable Yeas 18 Nays 1
4	<b>SB 234</b> Leek (Similar H 175, Compare H 1371, S 1444)	Criminal Offenses Against Law Enforcement Officers and Other Personnel; Citing this act as the "Officer Jason Raynor Act"; revising a prohibition on the use or threatened use of force to resist arrest or detention; providing for enhanced punishment for manslaughter when committed against specified officers; revising provisions concerning assault or battery upon specified officers and other personnel, etc.  CJ 02/11/2025 Favorable ACJ 03/05/2025 Favorable FP 03/20/2025 Favorable	Favorable Yeas 18 Nays 1
5	<b>SB 274</b> Arrington (Identical H 177)	Transportation Facility Designations/Harris Rosen Way; Providing an honorary designation of a certain transportation facility in a specified county; directing the Department of Transportation to erect suitable markers, etc.  TR 02/18/2025 Favorable ATD 03/05/2025 Favorable FP 03/20/2025 Fav/CS	Fav/CS Yeas 19 Nays 0
6	<b>CS/SB 296</b> Education Pre-K - 12 / Bradley (Identical CS/H 261, Compare H 343)	Middle School and High School Start Times; Deleting a requirement that middle schools and high schools start by specified times beginning in a certain year; requiring district school boards to consider certain benefits relating to school start times when adopting middle school and high school start times, etc.  ED 03/03/2025 Fav/CS AED 03/11/2025 Favorable FP 03/20/2025 Fav/CS	Fav/CS Yeas 19 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Fiscal Policy

Thursday, March 20, 2025, 9:00 a.m.—12:00 noon

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	<b>SB 400</b> Wright	Interstate Compact on Educational Opportunity for Military Children; Repealing a provision relating to the future repeal of the compact, etc.	Favorable Yeas 19 Nays 0
		MS 03/04/2025 Favorable FP 03/20/2025 Favorable	

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Other Related Meeting Documents

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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Fiscal Policy

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BILL: CS/SB 102

INTRODUCER: Education Pre-K - 12 Committee; and Senators Gaetz and Arrington

SUBJECT: Exceptional Student Education

DATE: March 19, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Bouck</u>	<u>ED</u>	<b>Fav/CS</b>
2.	<u>Gray</u>	<u>Elwell</u>	<u>AED</u>	<b>Favorable</b>
3.	<u>Bouck</u>	<u>Siples</u>	<u>FP</u>	<b>Favorable</b>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 102 establishes a workforce credential program for students with autism spectrum disorder or students on a modified curriculum to enhance their employment opportunities upon graduation. The program must be developed and implemented by the Florida Department of Education (DOE), in cooperation with the Florida Center for Students with Unique Abilities, by January 31, 2026.

The program allows students to earn badges that signify the acquisition of specific workforce skills aligned with employer needs. Each badge requires students to demonstrate five distinct skills or behaviors, including workplace safety, and must be validated by two instructional staff members specializing in exceptional student education.

To evaluate the program's effectiveness, the bill mandates that the DOE submit an annual report from 2026 through 2030 with participation and outcomes data.

This bill does not have a fiscal impact on state revenues or expenditures. Any costs the Department of Education incur relating to establishing the credential should be absorbed within existing resources. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

## II. Present Situation:

### Exceptional Student Education

The Individuals with Disabilities in Education Act (IDEA)<sup>1</sup> and Florida law<sup>2</sup> mandate that all students who are between the ages of three to 21 and have a disability have the right to a free, appropriate public education (FAPE). School districts have the responsibility to ensure that students suspected of having a disability are subject to general education intervention procedures.<sup>3</sup> Each district school board is required to provide for an appropriate program of special instruction, facilities, and services for exceptional students. Each district program must:

- Provide the necessary professional services for diagnosis and evaluation of exceptional students.
- Provide special instruction, classes, and services, either within the district school system, in cooperation with other district school systems, or through contractual arrangements with approved private schools or community facilities.<sup>4</sup>

Once a child meets IDEA's eligibility criteria, FAPE is implemented through the Individualized Education Program (IEP), which is the plan for providing special education and related services by the local education agency. The IEP is the primary tool for outlining a student's specialized education needs.<sup>5</sup> The IEP is developed by an IEP team composed of school personnel and the child's parents or guardian.<sup>6</sup> A student must be properly evaluated and found eligible as an exceptional student before receiving special instruction or services as follows:<sup>7</sup>

- A school district must evaluate a student within 60 days after receiving signed parental consent.<sup>8</sup>
- An IEP team, to include the parents of the affected student, must then review the evaluation and determine the educational needs of the student.<sup>9</sup>

### *Student Eligibility for Exceptional Student Education (ESE)*

The State Board of Education (SBE) determines the procedures for qualifying a student as eligible to receive exceptional student education (ESE).<sup>10</sup> Exceptional students include students who are gifted and students with disabilities who have an intellectual disability; autism spectrum disorder (ASD or autism); a speech impairment; a language impairment; an orthopedic impairment; another health impairment; traumatic brain injury; a visual impairment; an emotional or behavioral disability; or a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; students who are deaf or hard of hearing or dual

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<sup>1</sup> 34 C.F.R. Part 300.

<sup>2</sup> Section 1003.5716, F.S.

<sup>3</sup> Rule 6A-6.0331, F.A.C.

<sup>4</sup> Section 1003.57(1), F.S.

<sup>5</sup> Florida Department of Education, *Developing Quality Individual Education Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>, at 9 (last visited Mar. 5, 2025).

<sup>6</sup> Congressional Research Service, *The Individuals with Disabilities Education Act (IDEA), Part B: Key Statutory and Regulatory Provisions* (August 20, 2024), available at <https://crsreports.congress.gov/product/pdf/R/R41833>, at 2 (last visited Mar. 5, 2025).

<sup>7</sup> Section 1003.57(1), F.S.

<sup>8</sup> Rule 6A-6.0331(3), F.A.C.

<sup>9</sup> Rule 6A-6.0331(6), F.A.C.

<sup>10</sup> Section 1003.57(1), F.S.

sensory impaired; students who are hospitalized or homebound; children with developmental delays ages birth through five years, or children, ages birth through two years, with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay.<sup>11</sup>

Children with autism in Florida are offered a variety of services through the state's 67 school districts and various other organizations operating within the state. The most recent data indicate that there are 66,152 students with ASD enrolled in Florida for the 2024-2025 school year.<sup>12</sup>

### ***Special Education Services Available to Students with ASD***

“Special education services” are specially designed instruction and related services necessary for an exceptional student to benefit from education. These services may include transportation; diagnostic and evaluation services; social services; physical and occupational therapy; speech and language pathology services; job placement; orientation and mobility training; braillists, typists, and readers for the blind; interpreters and auditory amplification; services provided by a certified listening and spoken language specialist; rehabilitation counseling; transition services; mental health services; guidance and career counseling; specified materials, assistive technology devices, and other specialized equipment; and other such services as approved by rules of the SBE.<sup>13</sup>

The SBE defines related terms for students with ASD in SBE rule and provides guidance regarding the definition of ASD, evaluation of students, and criteria for eligibility for classification.<sup>14</sup>

The IEP team may determine that a student with a significant cognitive disability should follow a modified curriculum aligned with Access Points - Alternate Academic Achievement Standards (AP-AAAS). These access points are designed to provide students access to the general education curriculum at a reduced level of complexity while maintaining alignment with state academic expectations.<sup>15</sup> The IEP must include a statement of measurable annual goals, including academic and functional goals, designed to meet the student's needs resulting from the disability and to enable the student to be involved in and make progress in the general education curriculum.<sup>16</sup>

Students with significant cognitive disabilities who are unable to participate in the statewide, standardized assessment program, even with accommodations, may be eligible for the Florida

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<sup>11</sup> Section 1003.01(9), F.S. *See also* Rule 6A-6.03030, F.A.C.

<sup>12</sup> FLDOE, *PK-12 Public School Data Publications and Reports – Membership in Programs for Exceptional Students, Survey 2, 2024-2025* <https://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/students.stml> (last visited Mar. 5, 2025)

<sup>13</sup> Section 1003.01(9), F.S.

<sup>14</sup> Rule 6A-6.03023, F.A.C.

<sup>15</sup> Florida Department of Education, *Updates to Access Points - Alternate Academic Achievement Standards (AP-AAAS)*, at 3 (2022), available at <https://www.fldoe.org/core/fileparse.php/7690/urlt/Spring22AP-AAAS.pdf> (last visited Mar. 5, 2025).

<sup>16</sup> Rule 6A-6.03028(3), F.A.C.

Standards Alternate Assessment (FSAA).<sup>17</sup> The FSAA is designed to measure student progress in the AP-AAAS and is required for students receiving instruction aligned to access points.<sup>18</sup>

The FSAA is reserved for students who require a modified curriculum aligned to access points. Instruction in AP-AAAS may impact a student's postsecondary opportunities. Since these standards modify the depth of academic expectations, they may limit eligibility for certain college or career pathways unless additional transition planning is implemented.<sup>19</sup>

### **Autism and Workforce Challenges**

Autism spectrum disorder (ASD) is a developmental disability caused by differences in the brain.<sup>20</sup> As individuals with ASD transition to adolescence and adulthood, they may face challenges in developing and maintaining friendships, communicating with peers and adults, or understanding what behaviors are expected in school or on the job.<sup>21</sup> These challenges can make it difficult to secure and sustain competitive employment, even for those with strong technical skills.<sup>22</sup>

Research indicates that employees with ASD have many skills that can contribute a great deal to the workforce. Despite possessing valuable skill sets, individuals with ASD face higher unemployment and underemployment rates compared to the general population.<sup>23</sup> Research suggests that targeted training, employer-recognized credentials, and structured workforce support can significantly enhance employment outcomes for individuals with disabilities, including ASD.<sup>24</sup>

### **General Workforce Inclusion Initiatives**

#### ***The Employment First Act***

The Employment First Act prioritizes employment as the preferred outcome for individuals with disabilities by reducing barriers to workforce participation and ensuring access to meaningful employment opportunities.<sup>25</sup> To achieve this, the Act promotes:

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<sup>17</sup> Section 1008.22(4), F.S.

<sup>18</sup> Florida Department of Education, *Updates to Access Points - Alternate Academic Achievement Standards (AP-AAAS)*, at 4 (2022), available at <https://www.fldoe.org/core/fileparse.php/7690/urlt/Spring22AP-AAAS.pdf> (last visited Mar. 5, 2025).

<sup>19</sup> Florida Department of Education, *Updates to Access Points - Alternate Academic Achievement Standards (AP-AAAS)*, at 33 (2022), available at <https://www.fldoe.org/core/fileparse.php/7690/urlt/Spring22AP-AAAS.pdf> (last visited Mar. 5, 2025).

<sup>20</sup> Centers for Disease Control and Prevention, *About Autism Spectrum Disorder*, <https://www.cdc.gov/autism/about/index.html> (last visited Mar. 5, 2025).

<sup>21</sup> Centers for Disease Control and Prevention, *About Autism Spectrum Disorder*, <https://www.cdc.gov/autism/about/index.html> (last visited Mar. 5, 2025).

<sup>22</sup> Kate Jackson, *Autism in the Technology Workplace*, *Social Work Today*, Vol. 13, No. 6, p. 8 (Nov./Dec. 2013), available at <https://www.socialworktoday.com/archive/111113p8.shtml> (last visited Mar. 5, 2025).

<sup>23</sup> A.J. Griffiths et al., *Developing Employment Environments Where Individuals with ASD Thrive: Using Machine Learning to Explore Employer Policies and Practices*, *Brain Sci.*, Vol. 10, No. 9, p. 632 (Sept. 11, 2020), available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC7564237/> (last visited Mar. 5, 2025).

<sup>24</sup> Florida Department of Education, Florida Department of Economic Opportunity, and CareerSource Florida, *2024-2028 WIOA Combined Plan*, available at <https://careersourceflorida.com/wp-content/uploads/2024/02/2024-2028-WIOA-Combined-Plan.pdf>, at 426-507 (last visited Mar. 5, 2025).

<sup>25</sup> Section 413.80(2), F.S.

- Integration of individuals with disabilities into the workforce by improving employment systems; and
- A collaborative effort between state agencies and organizations to achieve better employment outcomes for individuals with disabilities.<sup>26</sup>

### ***Division of Vocational Rehabilitation***

Florida's Vocational Rehabilitation (VR) program provides training and employment support for individuals with disabilities, helping them achieve meaningful, competitive employment. Through initiatives like the Workforce Innovation and Opportunity Act (WIOA) of 2014,<sup>27</sup> VR emphasizes career pathways and skills-based training, ensuring individuals with disabilities can develop the skills needed to succeed in the workforce.<sup>28</sup>

Expanding workforce credential programs tailored for students with ASD is a key step in aligning training with employer needs, increasing employment opportunities, and promoting economic independence.<sup>29</sup>

### **Florida Center for Students with Unique Abilities**

The Florida Center for Students with Unique Abilities (FCSUA) at the University of Central Florida supports postsecondary education and employment opportunities for students with intellectual disabilities. The center's responsibilities include:

- Disseminating information, providing students with disabilities and their families with details on education programs, services, supports, and employment opportunities;
- Coordinating statewide efforts, facilitating implementation, consulting with federal agencies, and aligning programs with national standards;
- Approving programs, establishing timelines and requirements for the approval and renewal of Florida Postsecondary Comprehensive Transition Programs; and
- Providing technical assistance, supporting institutions with program development, transition planning, financial resources, and compliance with federal and state laws.<sup>30</sup>

### **Workforce Credentialing and Training Programs**

#### ***Florida Ready to Work***

Florida Ready to Work provides foundational employability skills training in areas such as communication, critical thinking, and problem-solving, which are critical for individuals entering the workforce, including students with autism. The program offers stackable credentials that serve as a recognized measure of work-readiness across multiple industries.<sup>31</sup>

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<sup>26</sup> Section 413.80(3), F.S.

<sup>27</sup> Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, 128 Stat. 1425 (codified at 29 U.S.C. §§ 3101–3361).

<sup>28</sup> Florida Department of Education, Division of Vocational Rehabilitation, *About Us*, <https://www.rehabworks.org/about/about-us.html> (last visited Mar. 5, 2025).

<sup>29</sup> Golden Steps ABA, *Impact of Autism and Vocational Training*, <https://www.goldenstepsaba.com/resources/autism-and-vocational-training> (last visited Mar. 5, 2025).

<sup>30</sup> Section 1004.6495(5), F.S.

<sup>31</sup> Florida Ready to Work, *Answering Florida Employers' Demands*, <https://www.floridareadytowork.com/> (last visited Mar. 5, 2025).

As a state-supported workforce training initiative, Florida Ready to Work illustrates how targeted skills training can help individuals, including those with disabilities, prepare for competitive employment.<sup>32</sup>

### ***Workforce Education***

Workforce education includes career and technical training designed to prepare individuals, including adults with disabilities, for employment. Workforce education programs provide opportunities for individuals to gain job-specific skills and increase employability and economic self-sufficiency.<sup>33</sup>

Programs that support this goal include:

- Adult general education programs designed to improve the employability skills of the state's workforce.
- Career certificate programs, which offer training in specialized fields leading to occupational credentials.
- Applied technology diploma programs, which provide hands-on technical training.
- Apprenticeship and preapprenticeship programs, which combine classroom instruction with real-world work experience.
- Continuing workforce education courses, which help individuals develop and refine job-related skills.<sup>34</sup>

### ***Get There Initiative***

The Get There initiative, launched by the Florida Department of Education (DOE), promotes short-term, high-value Career and Technical Education (CTE) programs available through Florida College System institutions and technical colleges. These programs offer training in advanced manufacturing, transportation and logistics, healthcare, and information technology.<sup>35</sup>

### ***One-Stop Delivery System***

Florida's one-stop delivery system provides workforce training and employment support services that can help individuals transition into meaningful employment. These services include career counseling, job placement assistance, employability skills training, and technical training leading to industry-recognized certifications.<sup>36</sup>

### ***Workplace Safety Training and OSHA Outreach Programs***

The Occupational Health and Safety Administration (OSHA) within the United States Department of Labor provides an Outreach Training Program to promote workplace safety and health and to make workers more knowledgeable about workplace hazards and their rights. The OSHA Outreach Training Program provides training on the recognition, avoidance, abatement,

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<sup>32</sup> Florida Ready to Work, *Answering Florida Employers' Demands*, <https://www.floridareadytowork.com/> (last visited Mar. 5, 2025).

<sup>33</sup> Sections 1004.02(3) and (25) and 1004.92(1), F.S.

<sup>34</sup> Section 1011.80(1), F.S.

<sup>35</sup> Florida Department of Education, *Get There, About Us*, <https://gettherefl.com/about-us/> (last visited Mar. 5, 2025).

<sup>36</sup> Section 445.009(1), F.S.

and prevention of workplace hazards. Outreach classes also provide overview information regarding OSHA, including workers' rights, employer responsibilities, and how to file a complaint.<sup>37</sup>

The 10-hour training program is primarily intended for entry level workers. The 30-hour training program is intended to provide workers with some safety responsibility a greater depth and variety of training. All outreach training is intended to cover an overview of the hazards a worker may encounter on a job site. Training emphasizes hazard identification, avoidance, control and prevention, not OSHA standards.<sup>38</sup>

### **Career Education Services for Students with Disabilities**

Florida provides career education services for students with disabilities through a structured sequence of courses designed to develop employability skills, technical training, and industry certification opportunities. This program is individualized through a student's Individual Education Plan (IEP)<sup>39</sup> or other accommodations plan and allows students to gain the skills necessary for competitive employment in occupations aligned with their training.<sup>40</sup>

The curriculum integrates competency-based applied learning, including instruction in:

- Workplace safety;
- Job-seeking and employability skills;
- Self-advocacy and career planning; and
- Technical skills in industry-specific fields.<sup>41</sup>

Students may earn multiple credits as they progress through career education courses, with their achievements documented through the Occupational Completion Point system. Some students may also participate in on-the-job training opportunities.<sup>42</sup>

### **III. Effect of Proposed Changes:**

The bill creates s. 1003.5717, F.S., establishing a workforce credential program for students with autism spectrum disorder (ASD) or who are on a modified curriculum. The bill requires the Florida Department of Education (DOE) to develop and implement this program, in collaboration with the Florida Center for Students with Unique Abilities, by January 31, 2026, with the goal of assisting students with ASD or students with significant cognitive disabilities in securing employment upon graduation.

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<sup>37</sup> USDOL, OSHA, *Outreach Training Program: Program Overview*, <https://www.osha.gov/training/outreach/overview> (last visited Mar. 5, 2025).

<sup>38</sup> *Id.*

<sup>39</sup> The Individual Education Plan is the primary vehicle for communicating the school district's commitment to addressing the unique educational needs of a student with a disability. Florida Department of Education, *Developing Quality Individual Education Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>, at 9 (last visited Mar. 5, 2025).

<sup>40</sup> Florida Department of Education, *2024-25 CTE Curriculum Frameworks*, available at <https://www.fldoe.org/academics/career-adult-edu/career-tech-edu/curriculum-frameworks/2024-25-frameworks/additional-cte-programs-courses.shtml>, download "Career Education Services for Students with Disabilities (9603100) (RTF)."

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

The program must allow students to earn badges that indicate they have acquired specific skills that meet employer needs. Each badge must require the student to demonstrate five discrete skills or behaviors, including, but not limited to, workplace safety. The bill specifies that the DOE must collaborate with the Occupational Safety and Health Administration to develop a workforce safety badge. Additionally, each badge must be validated by two instructional staff members who specialize in exceptional student education.

Beginning in 2026 and continuing through 2030, the bill requires the DOE to prepare an annual report by January 31 of the following year detailing the program's operations. At a minimum, the report must include:

- The badges offered by the program;
- Data on post-graduation student employment;
- Student participation rates; and
- Any other outcome data deemed necessary by the DOE.

The workforce credential program established by the bill may provide students with ASD or those with significant cognitive disabilities valuable skills that are aligned with employer needs, potentially enhancing their employability upon graduation.

The bill takes effect on July 1, 2025.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

This bill does not have a fiscal impact on state revenues or expenditures. Any costs the Department of Education incur relating to establishing the credential should be absorbed within existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 1003.5717 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Education Pre-K -12 on February 18, 2025:**

The committee substitute:

- Expands eligibility for the workforce credential program to include students on a modified curriculum.
- Directs the Department of Education (DOE) to collaborate with the Florida Center for Students with Unique Abilities at the University of Central Florida on program development and implementation.
- Requires the DOE to work with the Occupational Safety and Health Administration (OSHA) to develop the required workplace safety badge.

**B. Amendments:**

None.

By the Committee on Education Pre-K - 12; and Senator Gaetz

581-01991-25

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A bill to be entitled

An act relating to exceptional student education; creating s. 1003.5717, F.S.; requiring the Department of Education to develop and implement, by a specified date, a workforce credential program for students with an autism spectrum disorder or students on a modified curriculum; providing the purpose of the program; providing requirements for the program; requiring the department to produce an annual report during a specified timeframe; providing requirements for the report; providing an effective date.

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

Section 1. Section 1003.5717, Florida Statutes, is created to read:

1003.5717 Workforce credential program for students with autism spectrum disorder or students on a modified curriculum.—  
The Department of Education shall develop and implement by January 31, 2026, a workforce credential program for students with an autism spectrum disorder or students on a modified curriculum. The department shall work with the Florida Center for Students with Unique Abilities established under s. 1004.6495 for the development and implementation of the program. The purpose of the program is to assist such students in securing employment upon graduation. The program must allow for such students to earn badges that designate that the students have acquired specific skills that meet employer needs.

(1) (a) Each badge must require the student to demonstrate

Page 1 of 2

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five discrete skills or behaviors, including, but not limited to, workplace safety.

(b) The department shall collaborate with the Occupational Safety and Health Administration to develop a workplace safety badge.

(2) The badge must be validated by two members of instructional staff who specialize in exceptional student education.

(3) Beginning with the 2026 calendar year through the 2030 calendar year, the department shall prepare an annual report by January 31 of the following year detailing the operations of the program. At a minimum, the report must include the badges offered by the program, data on postgraduation student employment, data on student participation rates in the program, and any other outcome data deemed necessary by the department to be included.

Section 2. This act shall take effect July 1, 2025.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

3/20/2025

Meeting Date

SB 0102

Bill Number or Topic

Fiscal

Committee

Amendment Barcode (if applicable)

Name Shauntel Smith - Florida PTA Phone (407)855-7604

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City

State

Zip

Speaking: [X] For [ ] Against [ ] Information OR Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

[ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

3/20/2025 Meeting Date

CS/SB 102 Bill Number or Topic

Fiscal Policy Committee

Amendment Barcode (if applicable)

Name Eddie Hand, Walulla County member School Board Phone 850-277-0306

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Crawfordville FL 32327 City State Zip

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [x] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[x] I am appearing without compensation or sponsorship. [ ] I am a registered lobbyist, representing: [ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Fiscal Policy

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BILL: SB 130

INTRODUCER: Senator Bradley

SUBJECT: Compensation of Victims of Wrongful Incarceration

DATE: March 19, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Stokes</u>	<u>CJ</u>	<b>Favorable</b>
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	<b>Favorable</b>
3.	<u>Cellon</u>	<u>Siples</u>	<u>FP</u>	<b>Favorable</b>

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**I. Summary:**

SB 130 amends the Victims of Wrongful Incarceration Compensation Act by amending s. 961.02, F.S., to remove an unnecessary definition.

The bill amends s. 961.03, F.S., to:

- Prospectively extend the filing deadline for a petition under the Act from 90 days to within two years after an order vacating a conviction and sentence becomes final and the criminal charges against a person are dismissed or the person is retried and acquitted, if the person's conviction and sentence is vacated on or after July 1, 2025.
- Retroactively authorize a person to file a petition for determination of status as a wrongfully incarcerated person and determination of eligibility for compensation by July 1, 2027, under specified circumstances.
- Provide that a deceased person's heirs, successors, or assigns do not have standing to file a petition on the deceased person's behalf.

Section 961.04, F.S., is amended to remove the bar to compensation for a petitioner who has been convicted of a violent felony or multiple nonviolent felonies before or during his or her wrongful conviction and incarceration. A person continues to be ineligible for compensation for any period of wrongful incarceration during which the person was serving a concurrent sentence for which he or she was not wrongfully incarcerated.

Section 961.06, F.S., is amended to prohibit the Chief Financial Officer (CFO) from drawing a warrant to purchase an annuity to pay a claimant for his or her wrongful incarceration if the claimant is currently incarcerated under specified circumstances. The bill also provides for reimbursement arrangements for the state under circumstances relating to the claimant and any successful civil litigation in which he or she may prevail.

Section 961.07, F.S., is amended to provide for funds to be appropriated.

While there are existing limitations on compensation (\$50,000 per year of wrongful incarceration up to a limit of \$2 million) for a qualified claimant, it is not possible to quantify the additional number of people who may be compensable. Therefore, the fiscal impact of the bill is indeterminate, but likely significant. See Section V. Fiscal Impact Statement.

The bill takes effect on July 1, 2025.

## II. Present Situation:

### Victims of Wrongful Incarceration Act

Since 2000, 23 people in Florida have been exonerated or released from incarceration as a result of post-conviction DNA testing, false or misleading forensic evidence, mistaken identity, perjury, or false accusations.<sup>1</sup> In 2008, the Legislature created The Victims of Wrongful Incarceration Compensation Act (Act).<sup>2</sup> The Act provides a process by which a person whose conviction and sentence is vacated based upon exonerating evidence may petition the court to seek and obtain compensation as a “wrongfully incarcerated person.”<sup>3</sup>

A “wrongfully incarcerated person” is a person whose felony conviction and sentence has been vacated by a court and for whom the original sentencing court has issued an order finding that the person neither committed the act nor the offense that served as the basis for the conviction and incarceration and that the person did not aid, abet, or act as an accomplice or accessory to the offense.<sup>4</sup>

As of February 2023, five people have qualified for and been awarded a total of \$6,276,900 as compensation under the Act.<sup>5</sup>

### *Petition Process*

To receive compensation under the Act, an exonerated person must file a petition with the original sentencing court seeking status as a “wrongfully incarcerated person.”

Section 961.03(1)(a), F.S., requires a petitioner to state:

- That verifiable and substantial evidence of actual innocence exists;
- With particularity, the nature and significance of the evidence of actual innocence; and
- That the person is not disqualified under s. 961.04, F.S., from seeking compensation because he or she has specified criminal history.

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<sup>1</sup> Frank Lee Smith, Jerry Townsend, Rudolph Holton, Wilton Dedge, Luis Diaz, Orlando Boquete, Alan Crotzer, Larry Bostic, Cody Davis, Chad Heins, William Dillon, James Bain, Anthony Caravella, Derrick Williams, Cheydrick Britt, Narcisse Antoine, Clemente Aguirre-Jarquín, Dean McKee, Ronald Stewart, and Robert Duboise have been released from prison or exonerated in Florida. The National Registry of Exonerations; A *Project of the University of California Irvine Newkirk Center for Science & Society*, *University of Michigan Law School & Michigan State University College of Law*, available at <https://www.law.umich.edu/special/exoneration/Pages/browse.aspx?View=%7bB8342AE7-6520-4A32-8A06-4B326208BAF8%7d&FilterField1=State&FilterValue1=Florida&FilterField2=DNA&FilterValue2=8%5FDNA> (last visited February 4, 2025).

<sup>2</sup> Chapter 2008–39, L.O.F.

<sup>3</sup> To be eligible for compensation, a person must meet the definition of a “wrongfully incarcerated person” and not be otherwise disqualified from seeking compensation under the Act because of disqualifying criminal history. Section 961.02(4), F.S.

<sup>4</sup> Section 961.02(7), F.S.

<sup>5</sup> E-mail from the Department of Legal Affairs dated February 13, 2023, (on file with the Senate Criminal Justice Committee).

A person seeking compensation under the Act must file a petition with the court within 90 days after the order vacating a conviction and sentence becomes final, if the person's conviction and sentence is vacated on or after July 1, 2008.<sup>6</sup>

Although a petitioner must submit proof of actual innocence in his or her petition, in some cases, after a conviction is overturned, the state may choose to retry the person. In these cases, the 90 day filing deadline may require a petitioner to file a petition with proof of actual innocence while he or she is still in custody or facing retrial. According to the Innocence Project, six exonerees in Florida are barred from receiving compensation as a result of missing the 90 day filing deadline.<sup>7</sup>

Once the petition is filed, the prosecuting authority must respond to the petition within 30 days by:

- Certifying to the court that, based upon the petition and verifiable and substantial evidence of the petitioner's actual innocence, no further criminal proceedings can or will be initiated against the petitioner, that no questions of fact remain as to the petitioner's wrongful incarceration, and that the petitioner is not ineligible from seeking compensation under s. 961.04, F.S.; or
- Contesting the evidence of actual innocence, the facts related to the petitioner's alleged wrongful incarceration, or whether the petitioner is ineligible from seeking compensation under s. 961.04, F.S.<sup>8</sup>

If the prosecuting authority certifies the petitioner's innocence and that no further charges can or will be filed and that he or she is otherwise eligible for compensation, the original sentencing court<sup>9</sup> must certify to the Department of Legal Affairs (DLA) that the petitioner qualifies as a wrongfully incarcerated person and is eligible for compensation under s. 961.04, F.S.<sup>10</sup>

If the prosecuting authority contests the petitioner's actual innocence or eligibility for compensation based on his or her prior criminal history:

- The original sentencing court must use the pleadings and supporting documents to determine whether, by a preponderance of the evidence, the petitioner is ineligible for compensation under s. 961.04, F.S., regardless of his or her claim of wrongful incarceration. If the court finds that the petitioner is ineligible under s. 961.04, F.S., it must dismiss the petition.<sup>11</sup>
- And, the court determines that the petitioner is eligible under s. 961.04, F.S., but the prosecuting authority also contests the nature, significance or effect of the evidence of the petitioner's actual innocence, or the facts related to the petitioner's alleged wrongful

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<sup>6</sup> Or by July 1, 2010, if the person's conviction and sentence was vacated by an order that became final prior to July 1, 2008. Section 961.03(1)(b), F.S.

<sup>7</sup> Jeffrey Gutman, *Compensation Under the Microscope*, George Washington University Law School, (2022), <https://www.law.umich.edu/special/exoneration/Documents/UTM%20Florida.pdf> (last visited February 6, 2025).

<sup>8</sup> Section 961.03(2), F.S.

<sup>9</sup> Based upon the evidence of actual innocence, the prosecuting authority's certification, and upon the court's finding that the petitioner has presented clear and convincing evidence that the petitioner committed neither the act nor the offense that served as the basis for the conviction and incarceration, and that the petitioner did not aid, abet, or act as an accomplice to a person who committed the act or offense. Section 961.03(3), F.S.

<sup>10</sup> Section 961.03(3), F.S.

<sup>11</sup> Section 961.03(4)(a), F.S.

incarceration, the court is required to set forth its findings on eligibility and transfer the petition to the Division of Administrative Hearings (DOAH).<sup>12</sup>

When a petition is transferred to the DOAH, a hearing before an administrative law judge (ALJ) must take place within 120 days after the transfer.<sup>13</sup> At the hearing, the petitioner must establish, by clear and convincing evidence, any questions of fact, the nature, significance or effect of the evidence of actual innocence, and his or her eligibility for compensation under the Act.<sup>14</sup> The prosecuting authority must appear at the hearing to contest any evidence of actual innocence presented by the petitioner.<sup>15</sup> When the hearing concludes, the ALJ is required to file an order with the original sentencing court within 45 days setting forth his or her findings and recommendation as to whether the petitioner established by clear and convincing evidence that he or she qualifies as a wrongfully incarcerated person.<sup>16</sup>

Once the ALJ issues his or her findings and recommendation, the original sentencing court must, within 60 days, issue its own order adopting or declining to adopt the ALJ's findings and recommendation.<sup>17</sup> If the original sentencing court concludes that the petitioner qualifies as a wrongfully incarcerated person who is eligible for compensation under the Act, the court must issue an order certifying its findings to the DLA.<sup>18</sup>

### ***The "Clean Hands" Provision***

When the Act was passed in 2008,<sup>19</sup> a person was ineligible to receive compensation under s. 961.04, F.S., if he or she was previously convicted of any other felony. As such, s. 961.04, F.S., became commonly known as the "clean hands" requirement. The Act was amended in 2017,<sup>20</sup> to expand eligibility under the "clean hands" requirement, making a petitioner ineligible to receive compensation if he or she was:

- Convicted of any violent felony, or any crime committed in another jurisdiction the elements of which would constitute a violent felony in Florida, or a federal crime designated a violent felony, excluding any delinquency disposition, before or during his or her wrongful conviction and incarceration;
- Convicted of more than one nonviolent felony, or more than one crime committed in another jurisdiction the elements of which would constitute a felony in Florida, or more than one federal crime designated a felony, excluding any delinquency disposition, before or during his or her wrongful conviction and incarceration; or
- Serving a concurrent sentence for another felony for which he or she was not wrongfully convicted during the period of wrongful incarceration.<sup>21</sup>

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<sup>12</sup> Section 961.03(4)(b), F.S.

<sup>13</sup> Section 961.03(6)(a), F.S.

<sup>14</sup> Section 961.03(5), F.S.

<sup>15</sup> Section 961.03(6)(b), F.S.

<sup>16</sup> Section 961.03(6)(c), F.S.

<sup>17</sup> Section 961.03(6)(d), F.S.

<sup>18</sup> The order must indicate that the ALJ's findings are correct and the petitioner has met his or her burden of proof to establish status as a wrongfully convicted person or if the ALJ findings indicate that the petitioner has not met his or her burden of proof, that the court is declining to adopt the findings of the ALJ. Section 961.03(7), F.S.

<sup>19</sup> Chapter 2008-39, L.O.F.

<sup>20</sup> Chapter 2017-120, L.O.F.

<sup>21</sup> Section. 961.04, F.S.

Additionally, under s. 961.06(2), F.S., a wrongfully incarcerated person who is placed on parole or community supervision as a part of the sentence he or she is serving for his or her wrongful conviction and who commits:

- One violent felony or more than one nonviolent felony that results in revocation of parole or community supervision is ineligible for any compensation under the Act.
- No more than one nonviolent felony which results in revocation of parole or community supervision is eligible for compensation for the total number of years he or she was incarcerated.<sup>22</sup>

For the purpose of determining a person's eligibility, s. 961.02(6), F.S., defines a violent felony as any felony listed in:

- Section 755.084(1)(c)1., F.S., which includes: arson; sexual battery; robbery; kidnapping; aggravated child abuse; aggravated abuse of an elderly person or disabled adult; aggravated assault with a deadly weapon; murder; manslaughter; aggravated manslaughter of an elderly person or disabled adult; aggravated manslaughter of a child; unlawful throwing, placing, or discharging of a destructive device or bomb; armed burglary; aggravated battery; aggravated stalking; home invasion robbery; carjacking; or an offense committed in another jurisdiction which has substantially similar elements to a listed crime; or
- Section 948.06(8)(c), F.S., which includes: kidnapping or attempted kidnapping, false imprisonment of a child under 13, or luring or enticing a child; murder or attempted murder, attempted felony murder, or manslaughter; aggravated battery or attempted aggravated battery; sexual battery or attempted sexual battery; lewd or lascivious battery or attempted lewd or lascivious battery; lewd or lascivious molestation, lewd or lascivious conduct, lewd or lascivious exhibition, or lewd or lascivious exhibition on a computer; robbery or attempted robbery, carjacking or attempted carjacking, or home invasion robbery or attempted home invasion robbery; lewd or lascivious offense upon or in the presence of an elderly or disabled person or attempted lewd or lascivious offense upon or in the presence of an elderly or disabled person; sexual performance by a child or attempted sexual performance by a child; computer pornography, transmission of child pornography, or selling or buying of minors; poisoning food or water; abuse of a dead human body; any burglary offense or attempted burglary offense that is a first or second degree felony; arson or attempted arson; aggravated assault; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; treason under s. 876.32, F.S.; or any offense committed in another jurisdiction which would be a listed offense if it were committed in Florida.<sup>23</sup>

Currently, the Federal government, District of Columbia, and 38 states have a process to compensate wrongfully incarcerated individuals.<sup>24</sup>

Florida's wrongful incarceration compensation law is the only one in the country that makes a person ineligible for compensation if he or she was previously convicted of certain unrelated crimes. At least 17 exonerees in Florida are currently ineligible to receive compensation under the Act because of the "clean hands" requirement.<sup>25</sup>

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<sup>22</sup> Section 961.06(2), F.S.

<sup>23</sup> Section 961.02(6), F.S.

<sup>24</sup> The National Registry of Exonerations; Issues, Compensation, Charts; *Key Provisions in Wrongful Compensation Law*, available at <https://www.law.umich.edu/special/exoneration/Documents/IP%20-%20Key%20Provisions.pdf> (last visited February 6, 2025).

<sup>25</sup> Jeffrey Gutman, *Compensation Under the Microscope*, George Washington University Law School,

### ***The Application Process***

After the original sentencing court enters an order finding that the claimant meets the definition of a wrongfully incarcerated person who is eligible for compensation, the claimant must submit an application to the DLA for compensation, if he or she is otherwise eligible to apply, within two years.<sup>26</sup> Section 961.06, F.S., prohibits a wrongfully incarcerated person from applying for compensation if he or she is the subject of a pending claim bill<sup>27</sup> which is based on his or her wrongful conviction and incarceration. Similarly, once a claimant files an application for compensation, he or she may not pursue recovery under a claim bill until the final disposition of his or her application,<sup>28</sup> and once the DLA notifies a claimant that his or her application meets the requirements of the Act, he or she is prohibited from seeking additional compensation under a claim bill.<sup>29, 30</sup>

Only the claimant, not the claimant's estate or its personal representative, may apply for compensation.<sup>31</sup> Section 961.05(3), F.S., requires, in part, that a claimant's application include:

- A certified copy of the order vacating the conviction and sentence;
- A certified copy of the original sentencing court's order finding the claimant to be a wrongfully incarcerated person who is eligible for compensation under the Act;
- Certified copies of the original judgment and sentence;
- Documentation demonstrating the length of the sentence served, including documentation from the Department of Corrections (DOC) regarding the person's admission into and release from the custody of the DOC;
- Proof of identification demonstrating that the person seeking compensation is the same individual who was wrongfully incarcerated;
- All supporting documentation of any fine, penalty, or court costs imposed and paid by the wrongfully incarcerated person; and
- All supporting documentation of any reasonable attorney's fees and expenses.

The DLA is required to review the application, and within 30 days, notify the claimant of any errors or omissions and request any additional information relevant to the review of the application. The claimant has 15 days after notification of existing errors or omissions to supplement the application. The DLA must process and review each completed application within 90 days.<sup>32</sup>

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(2022), <https://www.law.umich.edu/special/exoneration/Documents/UTM%20Florida.pdf> (last visited February 6, 2025)

<sup>26</sup> Section 961.05(1) and (2), F.S.

<sup>27</sup> A claim bill is not an action at law, but rather is a legislative measure that directs the CFO, or if appropriate, a unit of local government, to pay a specific sum of money to a claimant to satisfy an equitable or moral obligation. The amount awarded under a claim bill is based on the Legislature's concept of fair treatment of a person who has been injured or damaged but who is without a complete judicial remedy or who is not otherwise compensable. *Wagner v. Orange Cty.*, 960 So. 2d 785, 788 (Fla. 5th DCA 2007).

<sup>28</sup> Section 961.06(6)(c), F.S.

<sup>29</sup> Any amount awarded under the Act is intended to provide the sole compensation for any and all present and future claims arising out of the facts in connection with the claimant's wrongful conviction and incarceration. Section 961.06(6)(d), F.S.

<sup>30</sup> Since 2008, numerous claim bills have been filed on behalf of wrongfully incarcerated persons who were ineligible for compensation under the Act because of the "clean hands" requirement. At least three such persons have received compensation for wrongful incarceration through the claim bill process: Alan Crotzer (2008), William Dillon (2017), and Clifford Williams (2020).

<sup>31</sup> Section 961.05(2), F.S.

<sup>32</sup> Section 961.05(5), F.S.

Before the DLA approves an application, the wrongfully incarcerated person must sign a release and waiver on behalf of himself or herself and his or her heirs, successors, and assigns, forever releasing the state or any agency, or any political subdivision thereof, from all present or future claims that may arise out of the facts in connection with the wrongful conviction for which compensation is being sought.<sup>33</sup> Once DLA determines whether a claim meets the Act's requirements, it must notify the claimant within five business days of its determination.<sup>34</sup> If DLA determines that a claimant meets the Act's requirements, the wrongfully incarcerated person becomes entitled to compensation.<sup>35</sup>

### **Compensation**

Under s. 961.06, F.S., a wrongfully incarcerated person is entitled to:

- Monetary compensation, at a rate of \$50,000 for each year of wrongful incarceration;
- A waiver of tuition and fees for up to 120 hours of instruction at a public career center, community college, or state university;
- A refund of fines, penalties, and court costs imposed and paid;
- Reasonable attorney's fees and expenses incurred and paid in connection with all criminal proceedings and appeals regarding the wrongful conviction; and
- Immediate administrative expunction of the person's criminal record resulting from the wrongful arrest, conviction, and incarceration.<sup>36</sup>

Within 15 calendar days after the DLA issues notice to the claimant that his or her claim satisfies all of the requirements under the Act, the DLA must notify the CFO to draw a warrant from the General Revenue Fund or another source designated by the Legislature in law for the purchase of an annuity for the claimant based on the total amount determined by the DLA.<sup>37</sup> Section 961.07, F.S., currently provides for a continuing appropriation from the General Revenue Fund to the CFO for payments under the Act.<sup>38</sup>

The total compensation awarded to a claimant may not exceed \$2 million.<sup>39</sup> The CFO is required to issue payment in the amount determined by the DLA to an insurance company or other financial institution admitted and authorized to issue annuity contracts to purchase an annuity or annuities, selected by the claimant, for a term not less than 10 years to distribute such compensation.<sup>40</sup>

### **III. Effect of Proposed Changes:**

The bill amends s. 961.02, F.S., to remove of the definition of the term "violent felony" to conform to changes made by the bill.

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<sup>33</sup> Section 961.06(5), F.S.

<sup>34</sup> Section 961.05(5), F.S.

<sup>35</sup> Section 961.05(6), F.S.

<sup>36</sup> Section 961.06(1), F.S.

<sup>37</sup> Section 961.06(3), F.S.

<sup>38</sup> Section 961.06(1), F.S.

<sup>39</sup> *Id.*

<sup>40</sup> Section 961.06(4), F.S.

The bill amends s. 961.03, F.S., to prospectively extend the filing deadline for a petition under the Act from 90 days to within two years after an order vacating a conviction and sentence becomes final and the criminal charges against a person are dismissed or the person is retried and acquitted, if the person's conviction and sentence is vacated on or after July 1, 2025.

The bill also amends s. 961.03, F.S., to retroactively authorize a person to file a petition for determination of status as a wrongfully incarcerated person and determination of eligibility for compensation by July 1, 2027, if:

- The person's conviction and sentence was vacated and the criminal charges against the person were dismissed, or the person was retried and acquitted, after January 1, 2006, but before July 1, 2025; and
- The person previously filed a petition that was dismissed or did not file a petition, because the:
  - Date when the criminal charges against the person were dismissed or the date the person was acquitted occurred more than 90 days after the date of the final order vacating his or her conviction and sentence; *or*
  - Person was convicted of an unrelated felony before or during his or her wrongful conviction and incarceration and was ineligible to receive compensation under s. 961.04, F.S., the "clean hands" requirement.

Additionally, the bill provides that a deceased person's heirs, successors, or assigns do not have standing to file a petition on the deceased person's behalf.

The bill amends s. 961.04, F.S., to remove the bar to compensation for a petitioner who has been convicted of a violent felony or multiple nonviolent felonies before or during his or her wrongful conviction and incarceration, thereby making such a person eligible to seek compensation under the Act. A person continues to be ineligible for compensation for any period of wrongful incarceration during which the person was serving a concurrent sentence for a felony offense for which he or she was not wrongfully incarcerated.

The bill amends s. 961.06, F.S., to remove the provision stating that a person who is on parole or community supervision from the wrongful incarceration and commits a violent felony or more than one felony that results in the revocation of parole or community supervision is ineligible for any compensation.

The bill amends s. 961.06, F.S., to prohibit the CFO from drawing a warrant to purchase an annuity to pay a claimant for his or her wrongful incarceration if the claimant is currently incarcerated:

- For a felony conviction other than the crime for which the compensation is owed; or
- Due to the revocation of parole or probation for a felony conviction other than a crime for which the compensation is owed.

The CFO must commence with the drawing of a warrant after the term of imprisonment for the wrongful conviction has concluded unless the claimant is incarcerated on a felony, a parole revocation, or a felony probation violation unrelated to the wrongful incarceration. When the claimant's incarceration is concluded, the CFO will commence drawing the warrant.

The bill clarifies that when monetary compensation for the claimant is determined, and if the claimant has previously prevailed in a civil case against the state or another party related to the wrongful incarceration, the amount of the damages will be deducted from the monetary compensation and reimbursed to the state or other party related to the wrongful incarceration. The bill also provides for additional reimbursement arrangements by the claimant determined by the timing of the claimant's civil judgments.

Likewise, the bill addresses the claimant's application for wrongful incarceration compensation as it relates to a claim bill. The claimant may not apply for compensation if he or she is the subject of a pending claim bill. If the application has been filed, the wrongfully incarcerated person may not pursue a claim bill until the final disposition of the compensation application. Upon the award of claim bill compensation to the wrongfully incarcerated person, he or she may not receive compensation under this act.

The bill also amends s. 961.07, F.S., to provide that beginning in Fiscal Year 2025-2026, and continuing each fiscal year thereafter, a sum sufficient to pay the approved payments under s. 961.03(1)(b)1., F.S.,<sup>41</sup> is appropriated from the General Revenue Fund to the Chief Financial Officer, which sum is further appropriated for expenditure pursuant to the Victims of Wrongful Incarceration Act. Petitions filed pursuant to s. 961.03(1)(b)2., F.S.,<sup>42</sup> are subject to specific appropriation.

The bill takes effect on July 1, 2025.

#### IV. Constitutional Issues:

##### A. Municipality/County Mandates Restrictions:

None.

##### B. Public Records/Open Meetings Issues:

None.

##### C. Trust Funds Restrictions:

None.

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<sup>41</sup> Subparagraph 961.03(1)(b)1., F.S., extends the time for filing a petition to within two years after an order vacating a conviction and sentence becomes final and the criminal charges against a person are dismissed or the person is retried and acquitted, if the person's conviction and sentence is vacated on or after July 1, 2025.

<sup>42</sup> Subparagraph s. 961.03(1)(b)2., F.S., extends the time for filing a petition to July 1, 2025, if the:

- Person's conviction and sentence was vacated and the criminal charges against the person were dismissed, or the person was retried and acquitted, after January 1, 2006, but before July 1, 2025; *and*
- Person previously filed a petition that was dismissed or did not file a petition, because the:
  - Date when the criminal charges against the person were dismissed or the date the person was acquitted occurred more than 90 days after the date of the final order vacating his or her conviction and sentence; *or*
  - Person was convicted of an unrelated felony before or during his or her wrongful conviction and incarceration and was ineligible to receive compensation under s. 961.04, F.S., the "clean hands" requirement (emphasis added).

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill will likely expand the number of persons who qualify for compensation from the state due to the extended timelines and parameters for seeking compensation based on a wrongful incarceration claim. While there are existing limitations on compensation (\$50,000 per year of wrongful incarceration up to a limit of \$2 million) for a person, it is not possible to quantify the additional number of people who may be compensable.

The Innocence Project of Florida identified 18 exonerees who were denied compensation under current law but who would likely be eligible if the bill were to be passed. The fiscal impact of those 18 exonerees is estimated to be \$15 million.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 961.03, 961.04, 961.06, and 961.07.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Bradley

6-00356A-25

2025130\_\_

A bill to be entitled

An act relating to compensation of victims of wrongful incarceration; amending s. 961.02, F.S.; deleting the definition of the term "violent felony"; amending s. 961.03, F.S.; expanding the period during which a petition for compensation for wrongful incarceration may be filed; providing that certain persons who had petitions dismissed or who had not previously filed such petitions may file such petitions; amending s. 961.04, F.S.; providing that a wrongfully incarcerated person is not eligible for compensation for any period of incarceration during which the person was concurrently serving a sentence for a conviction of another felony for which such person was lawfully incarcerated; deleting provisions excluding persons convicted of violent felonies from compensation; deleting other exclusions; amending s. 961.06, F.S.; revising provisions concerning the offset of civil judgments in favor of claimants against awards; providing that the Chief Financial Officer may not draw a warrant to purchase an annuity for a claimant in certain circumstances; requiring the Chief Financial Officer to draw a warrant after a certain term has concluded; amending s. 961.07, F.S.; revising provisions concerning a continuing appropriation for certain payments; providing that certain payments are subject to specific appropriation; providing an effective date.

Page 1 of 11

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

6-00356A-25

2025130\_\_

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

Section 1. Subsection (6) of section 961.02, Florida Statutes, is amended to read:

961.02 Definitions.—As used in ss. 961.01-961.07, the term: ~~(6) "Violent felony" means a felony listed in s. 775.084(1)(c)1. or s. 948.06(8)(c).~~

Section 2. Paragraph (b) of subsection (1) of section 961.03, Florida Statutes, is amended, and paragraph (c) is added to that subsection, to read:

961.03 Determination of status as a wrongfully incarcerated person; determination of eligibility for compensation.—

(1)

(b) The person must file the petition with the court:

1. Within 2 years ~~90 days~~ after the order vacating a conviction and sentence becomes final and the criminal charges against the person are dismissed or the person is retried and acquitted if the person's conviction and sentence is vacated on or after July 1, 2025 ~~2008~~.

2. By July 1, 2027 ~~2010~~, if the person's conviction and sentence was vacated and the criminal charges against the person were dismissed or the person was retried and acquitted on or after January 1, 2006, but before July 1, 2025, and he or she previously filed a petition under this section that was dismissed or no petition was filed under this section because:

a. The date on which the criminal charges against the person were dismissed or the date on which the person was acquitted upon retrial occurred more than 90 days after the date of the final order vacating the conviction and sentence; or

Page 2 of 11

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

6-00356A-25

2025130\_\_

59 b. The person was convicted of an unrelated felony before  
 60 or during his or her wrongful conviction and incarceration and  
 61 was ineligible for compensation under s. 961.04 as it existed  
 62 before July 1, 2025.

63 (c) A deceased person's heirs, successors, or assigns do  
 64 not have standing to file a petition on the deceased person's  
 65 behalf under this section by an order that became final prior to  
 66 July 1, 2008.

67 Section 3. Section 961.04, Florida Statutes, is amended to  
 68 read:

69 961.04 Eligibility for compensation for wrongful  
 70 incarceration.—A wrongfully incarcerated person is not eligible  
 71 for compensation under the act for any period of incarceration  
 72 during which the person was concurrently serving a sentence for  
 73 a conviction of another felony for which such person was  
 74 lawfully incarcerated. ~~if:~~

75 ~~(1) Before the person's wrongful conviction and~~  
 76 ~~incarceration, the person was convicted of, or pled guilty or~~  
 77 ~~nolo contendere to, regardless of adjudication, any violent~~  
 78 ~~felony, or a crime committed in another jurisdiction the~~  
 79 ~~elements of which would constitute a violent felony in this~~  
 80 ~~state, or a crime committed against the United States which is~~  
 81 ~~designated a violent felony, excluding any delinquency~~  
 82 ~~disposition;~~

83 ~~(2) Before the person's wrongful conviction and~~  
 84 ~~incarceration, the person was convicted of, or pled guilty or~~  
 85 ~~nolo contendere to, regardless of adjudication, more than one~~  
 86 ~~felony that is not a violent felony, or more than one crime~~  
 87 ~~committed in another jurisdiction, the elements of which would~~

6-00356A-25

2025130\_\_

88 ~~constitute a felony in this state, or more than one crime~~  
 89 ~~committed against the United States which is designated a~~  
 90 ~~felony, excluding any delinquency disposition;~~

91 ~~(3) During the person's wrongful incarceration, the person~~  
 92 ~~was convicted of, or pled guilty or nolo contendere to,~~  
 93 ~~regardless of adjudication, any violent felony;~~

94 ~~(4) During the person's wrongful incarceration, the person~~  
 95 ~~was convicted of, or pled guilty or nolo contendere to,~~  
 96 ~~regardless of adjudication, more than one felony that is not a~~  
 97 ~~violent felony; or~~

98 ~~(5) During the person's wrongful incarceration, the person~~  
 99 ~~was also serving a concurrent sentence for another felony for~~  
 100 ~~which the person was not wrongfully convicted.~~

101 Section 4. Section 961.06, Florida Statutes, is amended to  
 102 read:

103 961.06 Compensation for wrongful incarceration.—

104 (1) Except as otherwise provided in this act and subject to  
 105 the limitations and procedures prescribed in this section, a  
 106 person who is found to be entitled to compensation under the  
 107 provisions of this act is entitled to all of the following:

108 (a) Monetary compensation for wrongful incarceration, which  
 109 shall be calculated at a rate of \$50,000 for each year of  
 110 wrongful incarceration, prorated as necessary to account for a  
 111 portion of a year. For persons found to be wrongfully  
 112 incarcerated after December 31, 2005 ~~2008~~, the Chief Financial  
 113 Officer may adjust the annual rate of compensation for inflation  
 114 using the change in the December-to-December "Consumer Price  
 115 Index for All Urban Consumers" of the Bureau of Labor Statistics  
 116 of the Department of Labor. ~~†~~

6-00356A-25

2025130\_\_

117 (b) A waiver of tuition and fees for up to 120 hours of  
 118 instruction at any career center established under s. 1001.44,  
 119 any Florida College System institution as defined in s.  
 120 1000.21(5), or any state university as defined in s. 1000.21(9),  
 121 if the wrongfully incarcerated person meets and maintains the  
 122 regular admission requirements of such career center, Florida  
 123 College System institution, or state university; remains  
 124 registered at such educational institution; and makes  
 125 satisfactory academic progress as defined by the educational  
 126 institution in which the claimant is enrolled.

127 (c) The amount of any fine, penalty, or court costs imposed  
 128 and paid by the wrongfully incarcerated person.

129 (d) The amount of any reasonable attorney ~~attorney's~~ fees  
 130 and expenses incurred and paid by the wrongfully incarcerated  
 131 person in connection with all criminal proceedings and appeals  
 132 regarding the wrongful conviction, to be calculated by the  
 133 department based upon the supporting documentation submitted as  
 134 specified in s. 961.05, ~~and~~

135 (e) Notwithstanding any provision to the contrary in s.  
 136 943.0583 or s. 943.0585, immediate administrative expunction of  
 137 the person's criminal record resulting from his or her wrongful  
 138 arrest, wrongful conviction, and wrongful incarceration. The  
 139 Department of Legal Affairs and the Department of Law  
 140 Enforcement shall, upon a determination that a claimant is  
 141 entitled to compensation, immediately take all action necessary  
 142 to administratively expunge the claimant's criminal record  
 143 arising from his or her wrongful arrest, wrongful conviction,  
 144 and wrongful incarceration. All fees for this process shall be  
 145 waived.

6-00356A-25

2025130\_\_

146  
 147 The total compensation awarded under paragraphs (a), (c), and  
 148 (d) may not exceed \$2 million. No further award for attorney  
 149 ~~attorney's~~ fees, lobbying fees, costs, or other similar expenses  
 150 shall be made by the state.

151 ~~(2) In calculating monetary compensation under paragraph~~  
 152 ~~(1)(a), a wrongfully incarcerated person who is placed on parole~~  
 153 ~~or community supervision while serving the sentence resulting~~  
 154 ~~from the wrongful conviction and who commits no more than one~~  
 155 ~~felony that is not a violent felony which results in revocation~~  
 156 ~~of the parole or community supervision is eligible for~~  
 157 ~~compensation for the total number of years incarcerated. A~~  
 158 ~~wrongfully incarcerated person who commits one violent felony or~~  
 159 ~~more than one felony that is not a violent felony that results~~  
 160 ~~in revocation of the parole or community supervision is~~  
 161 ~~ineligible for any compensation under subsection (1).~~

162 (2)(3) Except as provided in subsection (9), within 15  
 163 calendar days after issuing notice to the claimant that his or  
 164 her claim satisfies all of the requirements under this act, the  
 165 department shall notify the Chief Financial Officer to draw a  
 166 warrant from the General Revenue Fund or another source  
 167 designated by the Legislature in law for the purchase of an  
 168 annuity for the claimant based on the total amount determined by  
 169 the department under this act.

170 (3)(4) The Chief Financial Officer shall issue payment in  
 171 the amount determined by the department to an insurance company  
 172 or other financial institution admitted and authorized to issue  
 173 annuity contracts in this state to purchase an annuity or  
 174 annuities, selected by the wrongfully incarcerated person, for a

6-00356A-25

2025130\_\_

175 term of not less than 10 years. The Chief Financial Officer is  
 176 directed to execute all necessary agreements to implement this  
 177 act and to maximize the benefit to the wrongfully incarcerated  
 178 person. The terms of the annuity or annuities shall:

179 (a) Provide that the annuity or annuities may not be sold,  
 180 discounted, or used as security for a loan or mortgage by the  
 181 wrongfully incarcerated person.

182 (b) Contain beneficiary provisions for the continued  
 183 disbursement of the annuity or annuities in the event of the  
 184 death of the wrongfully incarcerated person.

185 (4) If, when monetary compensation is determined under  
 186 paragraph (1) (a), a court has previously entered a monetary  
 187 judgment in favor of the claimant in a civil action related to  
 188 the claimant's wrongful incarceration, or the claimant has  
 189 entered into a settlement agreement with the state or any  
 190 political subdivision thereof related to the claimant's wrongful  
 191 incarceration, the amount of the damages in the civil action or  
 192 settlement agreement, less any sums paid for attorney fees or  
 193 costs incurred in litigating the civil action or obtaining the  
 194 settlement agreement, shall be deducted from the total monetary  
 195 compensation to which the claimant is entitled under this  
 196 section.

197 (5) (a) If subsection (4) does not apply and if, after  
 198 monetary compensation is determined under paragraph (1) (a):

199 1. The court enters a monetary judgment in favor of the  
 200 claimant in a civil action related to the claimant's wrongful  
 201 incarceration; or

202 2. The claimant enters into a settlement agreement with the  
 203 state or any political subdivision thereof related to the

6-00356A-25

2025130\_\_

204 claimant's wrongful incarceration,

205

206 the claimant shall reimburse the state for the monetary  
 207 compensation paid under paragraph (1) (a), less any sums paid for  
 208 attorney fees or costs incurred in litigating the civil action  
 209 or obtaining the settlement agreement.

210 (b) A reimbursement required under this subsection may not  
 211 exceed the amount of the monetary award the claimant received  
 212 for damages in a civil action or settlement agreement.

213 (c) In the order of judgment, the court shall award to the  
 214 state any amount required to be deducted under this subsection.

215 (6) (a) The claimant shall notify the department upon filing  
 216 a civil action against the state or any political subdivision  
 217 thereof in which the claimant is seeking monetary damages  
 218 related to the claimant's wrongful incarceration for which he or  
 219 she previously received or is applying to receive compensation  
 220 under paragraph (1) (a).

221 (b) Upon notice of the claimant's civil action, the  
 222 department shall file in the case a notice of payment of  
 223 monetary compensation to the claimant under paragraph (1) (a).  
 224 The notice shall constitute a lien upon any monetary judgment or  
 225 settlement recovered under the civil action which is equal to  
 226 the sum of monetary compensation paid to the claimant under  
 227 paragraph (1) (a), less any attorney fees and costs incurred in  
 228 litigating the civil action or obtaining the settlement  
 229 agreement

230 ~~(5) Before the department approves the application for~~  
 231 ~~compensation, the wrongfully incarcerated person must sign a~~  
 232 ~~release and waiver on behalf of the wrongfully incarcerated~~

6-00356A-25 2025130\_\_  
 233 person and his or her heirs, successors, and assigns, forever  
 234 releasing the state or any agency, instrumentality, or any  
 235 political subdivision thereof, or any other entity subject to s.  
 236 768.28, from all present or future claims that the wrongfully  
 237 incarcerated person or his or her heirs, successors, or assigns  
 238 may have against such entities arising out of the facts in  
 239 connection with the wrongful conviction for which compensation  
 240 is being sought under the act.

~~(6)(a) A wrongfully incarcerated person may not submit an  
 241 application for compensation under this act if the person has a  
 242 lawsuit pending against the state or any agency,  
 243 instrumentality, or any political subdivision thereof, or any  
 244 other entity subject to the provisions of s. 768.28, in state or  
 245 federal court requesting compensation arising out of the facts  
 246 in connection with the claimant's conviction and incarceration.~~

~~(7)(a)(b) A wrongfully incarcerated person may not submit  
 247 an application for compensation under this act if the person is  
 248 the subject of a claim bill pending for claims arising out of  
 249 the facts in connection with the claimant's conviction and  
 250 incarceration.~~

~~(b)(e) Once an application is filed under this act, a  
 251 wrongfully incarcerated person may not pursue recovery under a  
 252 claim bill until the final disposition of the application.~~

~~(c)(d) Any amount awarded under this act is intended to  
 253 provide the sole compensation for any and all present and future  
 254 claims arising out of the facts in connection with the  
 255 claimant's conviction and incarceration. Upon notification by  
 256 the department that an application meets the requirements of  
 257 this act, a wrongfully incarcerated person may not recover under~~

6-00356A-25 2025130\_\_  
 262 a claim bill.  
 263 ~~(d)(e)~~ Any compensation awarded under a claim bill shall be  
 264 the sole redress for claims arising out of the facts in  
 265 connection with the claimant's conviction and incarceration and,  
 266 upon any award of compensation to a wrongfully incarcerated  
 267 person under a claim bill, the person may not receive  
 268 compensation under this act.

~~(8)(7)~~ Any payment made under this act does not constitute  
 269 a waiver of any defense of sovereign immunity or an increase in  
 270 the limits of liability on behalf of the state or any person  
 271 subject to the provisions of s. 768.28 or any other law.

(9)(a) The Chief Financial Officer may not draw a warrant  
 272 to purchase an annuity for a claimant who is currently  
 273 incarcerated:

1. In a county, city, or federal jail or other correctional  
 274 facility or an institution operated by the Department of  
 275 Corrections for a felony conviction other than a crime for which  
 276 the claimant was wrongfully convicted; or

2. Due to the revocation of parole or probation for a  
 277 felony conviction other than a crime for which the claimant was  
 278 wrongfully convicted.

(b) After a term of incarceration described in subparagraph  
 279 (a)1. or subparagraph (a)2. has concluded, the Chief Financial  
 280 Officer shall commence with the drawing of a warrant as  
 281 described in this section.

Section 5. Section 961.07, Florida Statutes, is amended to  
 282 read:

961.07 Continuing appropriation.—

(1) Beginning in the 2025-2026 2008-2009 fiscal year and

6-00356A-25

2025130\_\_

291 continuing each fiscal year thereafter, a sum sufficient to pay  
292 the approved payments under s. 961.03(1)(b)1. ~~this act~~ is  
293 appropriated from the General Revenue Fund to the Chief  
294 Financial Officer, which sum is further appropriated for  
295 expenditure pursuant to ~~the provisions of~~ this act.

296 (2) Payments for petitions filed pursuant to s.  
297 961.03(1)(b)2. are subject to specific appropriation.

298 Section 6. This act shall take effect July 1, 2025.

3/20/25

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

130

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

KATIE J. BOHNETT (BOW NET)

Phone

850-339-9599

Address

1773 Seminole DR

Email

kbohnett@safeandjust.org

Street

IRL, FL 32301

City

State

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

ALLIANCE FOR SAFETY & JUSTICE

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/20/25

Meeting Date

FP

Committee

130

Bill Number or Topic

Amendment Barcode (if applicable)

Name

AARON WAYT  
FL ASSN OF CRIM DEFENSE LAWYERS

Phone

(407) 435-3194

Address

Street

Email

*[Handwritten signature]*

TLH

City

FL

State

Zip

Speaking:  For  Against  Information

**OR**

Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

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The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

3/20/25

Meeting Date

130

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Seth Miller, Executive Director

Phone 850-561-6767

Innocence Project of Florida

Address 124 Marriott Dr. Suite 104

Email smiller@innocenceproject.org

Street

TLH

City

FL

State

32301

Zip

Speaking:  For  Against  Information

OR

Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

3-20

Meeting Date

Fiscal Policy

130

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Daniel Martinez

Phone

305-240-2917

Address

107 E College Ave

Email

DMartinez@AFPA-FL.org

Street

Tallahassee FL 32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Americans for Prosperity Florida

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Fiscal Policy

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BILL: CS/CS/SB 138

INTRODUCER: Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee;  
and Senator Wright

SUBJECT: Driving and Boating Offenses

DATE: March 19, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	<u>Fav/CS</u>
3.	<u>Parker</u>	<u>Siples</u>	<u>FP</u>	<u>Favorable</u>

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 138 makes multiple changes to strengthen and enhance crimes related to driving and boating offenses.

The bill amends ss. 316.193 and 327.35, F.S., to prohibit a person from driving, operating or being in actual physical control of a vehicle or vessel while under the influence of alcoholic beverages, any chemical substances set forth in s. 877.111, F.S., any substances controlled under ch. 893, F.S., or *any intoxicating substance* when affected to the extent that the person's normal faculties are impaired.

The bill provides enhanced criminal penalties for a violation of driving under the influence (DUI) with death, if the person has a prior conviction for a violation of specified provisions.

The bill amends s. 782.071, F.S., to provide enhanced criminal penalties for a violation of vehicular homicide if the person has a prior conviction for a violation of specified provisions.

Currently, a first time conviction for DUI with death<sup>1</sup> or vehicular homicide<sup>2</sup> is a felony in the second degree.<sup>3</sup>

The bill amends s. 316.1939, F.S., to provide that a person's first refusal to submit to a chemical or physical test of breath or urine is a second degree misdemeanor or a first degree misdemeanor under certain circumstances. Current law provides that a first refusal is not a crime.

Additionally, s. 316.1932, F.S., is amended to require that a person be told that his or her first failure to submit to a lawful test of breath or urine is a second degree misdemeanor<sup>4</sup> or a first degree misdemeanor<sup>5</sup> under certain circumstances.

The bill creates s. 316.19395, F.S., to authorize judicial circuits to create DUI diversion programs.

Section 316.656, F.S., is amended to prohibit the court from suspending, deferring, or withholding adjudication of guilt or imposition of sentence for such a refusal to submit to testing.

Current law provides that a person commits a third degree felony offense of driving on license suspended upon a third or subsequent violation, if the suspension was related to DUI or refusal to submit to testing.

Section 322.34, F.S., is amended to provide mandatory minimum penalties for this crime.

The bill amends s. 933.02, F.S., to permit the issuance of a search warrant when a sample of blood of a person constitutes evidence relevant to proving specified crimes.

The bill has an indeterminate state prison bed impact. See Section V. Fiscal Impact Statement.

The bill takes effect on October 1, 2025.

## **II. Present Situation:**

### **Driving Under the Influence**

A person is guilty of a DUI if a person drives or is in actual physical control of a vehicle and the person:

- Is under the influence of alcoholic beverages, any controlled substance set forth in s. 877.111, F.S., or any substance controlled under ch. 893, F.S., to the extent that the person's normal faculties are impaired;<sup>6</sup>

---

<sup>1</sup> Section 316.193(3)(c)3., F.S.

<sup>2</sup> Section 782.071, F.S.

<sup>3</sup> A second degree felony is punishable by a term of imprisonment not exceeding 15 years and a fine up to \$10,000, as provided in ss. 775.082, 775.083, or 775.084, F.S.

<sup>4</sup> A second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days, as provided in ss. 775.082 or 775.083, F.S.

<sup>5</sup> A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year and a \$1,000 fine, as provided in ss. 775.082 or 775.083, F.S.

<sup>6</sup> Section 316.193(1)(a), F.S.

- Has a blood-alcohol level of 0.08 or more grams of alcohol per 100 milliliters of blood;<sup>7</sup> or
- Has a breath-alcohol level of 0.08 or more grams of alcohol per 210 liters of breath.<sup>8</sup>

The criminal penalties for DUI vary depending on numerous factors such as the number of prior convictions, the length of time between convictions, and the defendant's blood alcohol level.<sup>9</sup>

The penalties for a first time DUI offense are:

- A period of probation not exceeding one year;
- A fine of not less than \$500 or more than \$2,000;
- Imprisonment for not more than nine months;
- A mandatory minimum of 50 hours of community service; and
- A mandatory ten-day vehicle impoundment.<sup>10</sup>

### **Boating Under the Influence**

A person is guilty of boating under the influence if the person is operating a vessel under the influence of an alcoholic beverage, any chemical substance set forth in s. 877.111, F.S., or any substance controlled under ch. 893, F.S., when affected to the extent that the person's normal faculties are impaired.<sup>11</sup>

The criminal penalties for boating under the influence varies depending on numerous factors such as the number of prior convictions, the length of time between convictions, and the defendant's blood alcohol level.<sup>12</sup> The penalties for a first time boating under the influence offense are:

- A fine of not less than \$500 or more than \$2,000 for a first conviction.
- Imprisonment for not more than nine months;
- A period of probation not exceeding one year;
- A mandatory minimum of 50 hours of community service; and a mandatory 10-day vessel impoundment or immobilization.<sup>13</sup>

### **Implied Consent-Refusal**

Section 316.1932, F.S., sets forth what is commonly known as the implied consent law. Specifically, s. 316.1932(1)(a)1., F.S., provides that anyone who operates a motor vehicle or vessel in the state is, by operating such a vehicle or vessel, deemed to have given his or her consent to submit to an approved chemical or physical test of his or her breath to determine the alcoholic content of his or her blood or breath or a urine test to detect the presence of chemical substances or controlled substances.<sup>14</sup>

---

<sup>7</sup> Section 316.193(1)(b), F.S.

<sup>8</sup> Section 316.193(1)(c), F.S.

<sup>9</sup> Section 316.193, F.S.

<sup>10</sup> *Id.*

<sup>11</sup> Section 327.35

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Sections 316.1932 (1)(a)1.a., and 327.352(1)(a)1., F.S.

The chemical or physical breath test must be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was driving or was in actual physical control of the motor vehicle within this state while under the influence of alcoholic beverages. The administration of a breath test does not preclude the administration of another type of test.<sup>15</sup>

The person must be told that his or her failure to submit to any lawful test of his or her breath will result in the suspension of the person's privilege to operate a motor vehicle for a period of one year for a first refusal, or for a period of 18 months if the driving privilege of such person has been previously suspended or if he or she has previously been fined under s. 327.35215, F.S.<sup>16</sup> Additionally, a person operating a vessel must be told that his or her failure to submit to a lawful test of his or her breath will result in a civil penalty of \$500.<sup>17</sup>

As a result of a refusal to submit to a test or tests required under ch. 316, F.S., or ch. 327, F.S., the person shall also be told that if he or she refuses to submit to a lawful test of his or her breath and his or her driving privilege has been previously suspended or if he or she has previously been fined under s. 327.35215, F.S., for a prior refusal to submit to a lawful test of his or her breath, urine, or blood as required under ch. 327, F.S., he or she commits a first degree misdemeanor.<sup>18</sup>

These tests may be performed if the person is lawfully arrested for any offense allegedly committed while the person was driving or in actual physical control of a motor vehicle, or operating a vessel, while under the influence of any alcoholic beverage or chemical substance, or any other controlled substances.<sup>19</sup>

### **Vehicular Homicide**

Vehicular homicide is the killing of a human being, or the killing of an unborn child by any injury to the mother, caused by the operation of a motor vehicle by another in a reckless manner likely to cause the death of, or great bodily harm to, another.<sup>20</sup> Vehicular homicide is a second degree felony.<sup>21</sup>

The degree of culpability required for vehicular homicide is less than that necessary to prove manslaughter, but it is more than a mere failure to use ordinary care.<sup>22</sup>

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<sup>15</sup> *Id.*

<sup>16</sup> Section 327.35215(2), F.S., provides when a person refuses to submit to a blood test, breath test, or urine test pursuant to s. 327.352, F.S., (Implied consent), a law enforcement officer authorized to make arrests for violations of this ch. 327, F.S., shall file with the clerk of the court, on a form provided by the commission, a certified statement that probable cause existed to arrest the person for a violation of s. 327.35, F.S., (Boating under the influence), and that the person refused to submit to a test as required by s. 327.352, F.S. Along with the statement, the officer shall also submit a sworn statement on a form provided by the commission that the person has been advised of both the penalties for failure to submit to the blood, breath, or urine test and the procedure for requesting a hearing.

<sup>17</sup> Section 327.352, F.S.

<sup>18</sup> A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year and a \$1,000 fine, as provided in ss. 775.082 and 775.083, F.S.

<sup>19</sup> Section 316.1932(1)(a)b., F.S.

<sup>20</sup> Section 782.071, F.S.

<sup>21</sup> Section 782.071 (1)(a), F.S.

<sup>22</sup> *McCreary v. State*, 371 So.2d 1024, 1026 (Fla.1979)

To prove the offense, the state must also prove the elements of reckless driving, which itself requires proof of a “willful or wanton disregard for the safety of persons or property.”<sup>23</sup>

The term “willful” means “intentional, knowing, and purposeful,” and the term “wanton” means with a “conscious and intentional indifference to consequences and with knowledge that damage is likely to be done to persons or property.”<sup>24</sup>

The court has stated “[i]n determining whether a defendant was driving recklessly, the essential inquiry is whether the defendant knowingly drove the vehicle in such a manner and under such conditions as was likely to cause death or great bodily harm.”<sup>25</sup>

### Search Warrants

Upon proper affidavits being made, a search warrant may be issued under the following grounds:

- When property has been stolen or embezzled in violation of law;<sup>26</sup>
- When any property has been used:
  - As a means to commit any crime;<sup>27</sup>
  - In connection with gambling, gambling implements and appliances;<sup>28</sup> or
  - In violation of s. 847.11, F.S., or other laws in reference to obscene prints and literature;<sup>29</sup>
- When any property constitutes evidence relevant to proving that a felony has been committed;<sup>30</sup>
- When property is being held or possessed:
  - In violation of any laws prohibiting the manufacture, sale, and transportation of intoxicating liquors;<sup>31</sup>
  - In violation of the fish and game laws;<sup>32</sup>
  - In violation of the laws relative to food and drug;<sup>33</sup> or
  - In violation of the laws relative to citrus disease pursuant to s. 581.184, F.S.;<sup>34</sup> or
- When the laws in relation to cruelty to animals, as provided in ch. 828, F.S., have been or are violated in any particular building or place.<sup>35</sup>

<sup>23</sup> *Santisteban v. State*, 72 So.3d 187, 195 (Fla. 4th DCA 2011); *Berube v. State*, 6 So.3d 624, 625 (Fla. 5th DCA 2008); see also § 316.192(1), Fla. Stat. (2010).

<sup>24</sup> *Lewek v. State*, 702 So.2d 527, 530–31 (Fla. 4th DCA 1997) (quoting Fla. Std. Jury. Instr. (Misd.) (**reckless** driving)).

<sup>25</sup> *Santisteban*, 72 So.3d at 195 (citing *D.E. v. State*, 904 So.2d 558, 562 (Fla. 5th DCA 2005)).

<sup>26</sup> Section 933.02(1), F.S.

<sup>27</sup> Section 933.02(2)(a), F.S.

<sup>28</sup> Section 933.02(2)(b), F.S.

<sup>29</sup> Section 933.02(2)(c), F.S.

<sup>30</sup> Section 933.02(3), F.S.

<sup>31</sup> Section 933.02(4)(a), F.S.

<sup>32</sup> Section 933.02(4)(b), F.S.

<sup>33</sup> Section 933.02(4)(c), F.S.

<sup>34</sup> Section 933.02(4)(d), F.S.

<sup>35</sup> Section 933.02(5), F.S.

Existing language in s. 933.02, F.S., allows the state to secure a warrant to seize property used *as a means to commit* a felony or misdemeanor.<sup>36</sup> Under the existing language, property *constituting relevant evidence* may be seized only if the suspected crime is a *felony*.<sup>37 38</sup>

### III. Effect of Proposed Changes:

The bill names the Act “Trenton’s Law.”

The bill amends ss. 316.193, and 327.35, F.S., to prohibit a person from driving, operating or being in actual physical control of a vehicle or vessel while under the influence of alcoholic beverages, any chemical substances set forth in s. 877.111, F.S., any substances controlled under ch. 893, F.S., or *any intoxicating substance* when affected to the extent that the person’s normal faculties are impaired.

The bill amends s. 319.193(3)(c)3., F.S., to provide an enhanced criminal penalty of a first degree felony for a violation of DUI with death if the person has a prior conviction for a violation of DUI with death or a prior conviction for vehicular homicide.

The bill amends s. 782.071, F.S., to provide an enhanced criminal penalty of a first degree felony for a violation of vehicular homicide if the person has a prior conviction for DUI causing death or a prior conviction for vehicular homicide. Currently, a first-time conviction for DUI with death<sup>39</sup> or vehicular homicide is a felony in the second degree.

The bill amends s. 316.1939, F.S., to provide a person’s first refusal to submit to a chemical or physical test of breath or urine as a second degree misdemeanor or a first degree misdemeanor if the person after having been informed as required still refuses to submit to a lawful test of his or her breath or urine.

Additionally, s. 316.1932, F.S., is amended to require that a person be told that his or her first failure to submit to a lawful test of breath or urine is a second degree misdemeanor<sup>40</sup> or a first degree misdemeanor<sup>41</sup> if his or her driving privilege has been previously suspended or if he or she has previously been fined under s. 327.35215, F.S., for a prior refusal to submit to a lawful test of his or her breath, urine, or blood as required under this chapter.

Section 316.656, F.S., is amended to prohibit the court from suspending, deferring, or withholding adjudication of guilt or imposition of sentence for such a refusal to submit to testing.

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<sup>36</sup> Section 933.02(2)(a), F.S.

<sup>37</sup> Section 933.02(3), F.S.

<sup>38</sup> *Bordo v. State*, 627 So.2d 561 (Fla. 4<sup>th</sup> DCA 1993) (“Property used to commit a any crime whether felony or misdemeanor may be sized under a warrant; while property merely constituting relevant evidence of a crime may be seized only if the suspected crime is a felony.”); *See also*, *State v. Geiss*, 70 So.3d 642 (Fla. 5<sup>th</sup> DCA 2011).

<sup>39</sup> Section 316.193(3)(c)3., F.S.

<sup>40</sup> A second-degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days, as provided in ss. 775.082 or 775.083, F.S.

<sup>41</sup> A first-degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year and a \$1,000 fine, as provided in ss. 775.082 or 775.083, F.S.

Current law provides that a person commits a third degree felony offense of driving on license suspended upon a third or subsequent violation, if the suspension was related to DUI or refusal to submit to testing. Section 322.34, F.S., is amended to provide mandatory minimum penalties for this crime. The mandatory minimum penalties include:

- A minimum of 30 days in jail for a first conviction;
- A minimum of 60 days in jail upon a second conviction; and
- A minimum of 90 days in jail upon a third or subsequent conviction.

The bill creates s. 316.19395, F.S., to authorize judicial circuits to create a DUI diversion program. A judicial circuit that creates such a diversion program must publish the terms and conditions of the program on the website of the office of the state attorney for that circuit.

Each judicial circuit that offers a diversion program under this section must notify the Department of Highway Safety and Motor Vehicles (DSHBMV) of each person who successfully completes the program. The DSHBMV must notate the successful completion of the diversion program on the driving record of each such person. A person who successfully completes a diversion program offered under this section is ineligible for future participation in such a program.

The bill amends s. 933.02, F.S., to permit the issuance of a search warrant when a sample of blood of a person constitutes evidence relevant to proving that a violation of s. 316.193, F.S., relating to DUI or s. 327.35, F.S., relating to boating under the influence, has been committed.

The bill takes effect October 1, 2025.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The Office of Economic and Demographic Research (EDR) issued a preliminary estimate of the bill and cited a positive indeterminate impact on prison beds due to the enhancement of criminal penalties and the expansion of the criteria for impairment.<sup>42</sup> Additionally, the bill creates a new misdemeanor charge for refusal to submit to a breath test which may create additional revenue through court fines and fees and, therefore, the bill may have a positive indeterminate impact on state and local revenue.

The bill may have an indeterminate impact on the anticipated judicial or court workload. Provisions prohibiting suspension of guilt or sentencing for refusal to submit to testing as well as reporting requirements for DUI diversion programs are not likely to have a significant impact on judicial workload; however, the bill may encourage judicial circuits to implement a DUI Court which could reduce workload. The effect on judicial workload from establishing a new misdemeanor offense for first refusals to submit to testing, and authorizing search warrants to obtain a blood sample as evidence of DUI or BUI, is too speculative to quantify. To the extent arrests for first refusals and warrant requests increase, judicial workload may also increase.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 316.193, 316.1932, 316.1939, 316.656, 322.34, 327.35, 782.071, and 933.02.

This bill creates section 316.19395 of the Florida Statutes.

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<sup>42</sup> Office of Economic and Demographic Research, *SB 138 Preliminary Estimate*, (on file with the Senate Committee on Criminal Justice).

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS/CS by Appropriations Committee on Criminal and Civil Justice on March 5, 2025:**

The committee substitute:

- Replaces the term "intoxicating substance" with "impairing substance" and makes this change in relevant statutes to allow testing for impairing substances.
- Permits the state attorney for each judicial circuit in consultation with the court and public defender's office to create a DUI diversion program.
- Permits testing of blood and urine for impairing substances.

**CS by Criminal Justice on February 11, 2025:**

The committee substitute:

- Provides that it is a first degree felony if a person commits a DUI with death and has a prior conviction for DUI with death or a prior conviction for vehicular homicide.
- Provides that this Act shall be designated as "Trenton's Law".
- Provides that it is a first degree felony if a person commits vehicular homicide and has a prior conviction for DUI with death or a prior conviction for vehicular homicide.

- B. **Amendments:**

None.

By the Appropriations Committee on Criminal and Civil Justice;  
the Committee on Criminal Justice; and Senator Wright

604-02146B-25

2025138c2

1 A bill to be entitled  
2 An act relating to driving and boating offenses;  
3 providing a short title; amending s. 316.193, F.S.;  
4 prohibiting a person from driving or being in actual  
5 physical control of a vehicle while under the  
6 influence of any impairing substance; providing  
7 enhanced criminal penalties for violation of driving  
8 under the influence if the person has a prior  
9 conviction for a violation of specified provisions;  
10 amending s. 316.1932, F.S.; requiring that a person be  
11 told that his or her failure to submit to a lawful  
12 test of breath or urine is a second degree misdemeanor  
13 or a first degree misdemeanor under certain  
14 circumstances; conforming provisions to changes made  
15 by the act; amending ss. 316.1933 and 316.1934, F.S.;  
16 conforming provisions to changes made by the act;  
17 amending s. 316.1939, F.S.; classifying a person's  
18 refusal to submit to a chemical or physical test of  
19 breath or urine as a second degree misdemeanor or a  
20 first degree misdemeanor under certain circumstances;  
21 conforming a provision to changes made by the act;  
22 creating s. 316.19395, F.S.; authorizing state  
23 attorneys to create driving under the influence  
24 diversion programs; providing requirements for such  
25 diversion programs; providing that a person who  
26 successfully completes a diversion program is  
27 ineligible for participation in such a program in the  
28 future; amending s. 316.656, F.S.; prohibiting a court  
29 from suspending, deferring, or withholding

Page 1 of 37

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604-02146B-25

2025138c2

30 adjudication of guilt or imposition of sentence for a  
31 specified violation; amending s. 322.34, F.S.;  
32 providing penalties for specified violations of  
33 driving while a license or driving privilege is  
34 canceled, suspended, or revoked or while under  
35 suspension or revocation equivalent status; amending  
36 s. 327.35, F.S.; prohibiting a person from operating a  
37 vessel while under the influence of any impairing  
38 substance; conforming a provision to changes made by  
39 the act; amending ss. 327.352, 327.353, 327.354, and  
40 327.359, F.S.; conforming provisions to changes made  
41 by the act; amending s. 782.071, F.S.; providing  
42 enhanced criminal penalties for a violation of  
43 vehicular homicide if the person has a prior  
44 conviction for a violation of specified provisions;  
45 amending s. 933.02, F.S.; permitting the issuance of a  
46 search warrant when a sample of blood of a person  
47 constitutes evidence relevant to proving specified  
48 crimes; providing an effective date.

49  
50 Be It Enacted by the Legislature of the State of Florida:

51  
52 Section 1. This act may be cited as "Trenton's Law."

53 Section 2. Subsections (1) and (3) of section 316.193,  
54 Florida Statutes, are amended, and subsection (2) of that  
55 section is republished, to read:

56 316.193 Driving under the influence; penalties.—

57 (1) A person commits ~~is guilty of~~ the offense of driving  
58 under the influence and is subject to punishment as provided in

Page 2 of 37

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604-02146B-25

2025138c2

59 subsection (2) if the person is driving or in actual physical  
60 control of a vehicle within this state and:

61 (a) The person is under the influence of alcoholic  
62 beverages, any chemical substance set forth in s. 877.111, ~~or~~  
63 any substance controlled under chapter 893, or any impairing  
64 substance, when affected to the extent that the person's normal  
65 faculties are impaired;

66 (b) The person has a blood-alcohol level of 0.08 or more  
67 grams of alcohol per 100 milliliters of blood; or

68 (c) The person has a breath-alcohol level of 0.08 or more  
69 grams of alcohol per 210 liters of breath.

70 (2)(a) Except as provided in paragraph (b), subsection (3),  
71 or subsection (4), any person who is convicted of a violation of  
72 subsection (1) shall be punished:

73 1. By a fine of:

74 a. Not less than \$500 or more than \$1,000 for a first  
75 conviction.

76 b. Not less than \$1,000 or more than \$2,000 for a second  
77 conviction; and

78 2. By imprisonment for:

79 a. Not more than 6 months for a first conviction.

80 b. Not more than 9 months for a second conviction.

81 3. For a second conviction, by mandatory placement for a  
82 period of at least 1 year, at the convicted person's sole  
83 expense, of an ignition interlock device approved by the  
84 department in accordance with s. 316.1938 upon all vehicles that  
85 are individually or jointly leased or owned and routinely  
86 operated by the convicted person, when the convicted person  
87 qualifies for a permanent or restricted license.

Page 3 of 37

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604-02146B-25

2025138c2

88  
89 The portion of a fine imposed in excess of \$500 pursuant to sub-  
90 subparagraph 1.a. and the portion of a fine imposed in excess of  
91 \$1,000 pursuant to sub-subparagraph 1.b., shall be remitted by  
92 the clerk to the Department of Revenue for deposit into the  
93 General Revenue Fund.

94 (b)1. Any person who is convicted of a third violation of  
95 this section for an offense that occurs within 10 years after a  
96 prior conviction for a violation of this section commits a  
97 felony of the third degree, punishable as provided in s.  
98 775.082, s. 775.083, or s. 775.084. In addition, the court shall  
99 order the mandatory placement for a period of not less than 2  
100 years, at the convicted person's sole expense, of an ignition  
101 interlock device approved by the department in accordance with  
102 s. 316.1938 upon all vehicles that are individually or jointly  
103 leased or owned and routinely operated by the convicted person,  
104 when the convicted person qualifies for a permanent or  
105 restricted license.

106 2. Any person who is convicted of a third violation of this  
107 section for an offense that occurs more than 10 years after the  
108 date of a prior conviction for a violation of this section shall  
109 be punished by a fine of not less than \$2,000 or more than  
110 \$5,000 and by imprisonment for not more than 12 months. The  
111 portion of a fine imposed in excess of \$2,500 pursuant to this  
112 subparagraph shall be remitted by the clerk to the Department of  
113 Revenue for deposit into the General Revenue Fund. In addition,  
114 the court shall order the mandatory placement for a period of at  
115 least 2 years, at the convicted person's sole expense, of an  
116 ignition interlock device approved by the department in

Page 4 of 37

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604-02146B-25

2025138c2

117 accordance with s. 316.1938 upon all vehicles that are  
 118 individually or jointly leased or owned and routinely operated  
 119 by the convicted person, when the convicted person qualifies for  
 120 a permanent or restricted license.

121 3. Any person who is convicted of a fourth or subsequent  
 122 violation of this section, regardless of when any prior  
 123 conviction for a violation of this section occurred, commits a  
 124 felony of the third degree, punishable as provided in s.  
 125 775.082, s. 775.083, or s. 775.084. However, the fine imposed  
 126 for such fourth or subsequent violation may be not less than  
 127 \$2,000. The portion of a fine imposed in excess of \$1,000  
 128 pursuant to this subparagraph shall be remitted by the clerk to  
 129 the Department of Revenue for deposit into the General Revenue  
 130 Fund.

131 (c) In addition to the penalties in paragraph (a), the  
 132 court may order placement, at the convicted person's sole  
 133 expense, of an ignition interlock device approved by the  
 134 department in accordance with s. 316.1938 for at least 6  
 135 continuous months upon all vehicles that are individually or  
 136 jointly leased or owned and routinely operated by the convicted  
 137 person if, at the time of the offense, the person had a blood-  
 138 alcohol level or breath-alcohol level of .08 or higher.

139 (3) Any person:

140 (a) Who is in violation of subsection (1);

141 (b) Who operates a vehicle; and

142 (c) Who, by reason of such operation, causes or contributes  
 143 to causing:

144 1. Damage to the property or person of another commits a  
 145 misdemeanor of the first degree, punishable as provided in s.

604-02146B-25

2025138c2

146 775.082 or s. 775.083.

147 2. Serious bodily injury to another, as defined in s.  
 148 316.1933, commits a felony of the third degree, punishable as  
 149 provided in s. 775.082, s. 775.083, or s. 775.084.

150 3. The death of any human being or unborn child commits DUI  
 151 manslaughter, and commits:

152 a. A felony of the second degree, punishable as provided in  
 153 s. 775.082, s. 775.083, or s. 775.084.

154 b. A felony of the first degree, punishable as provided in  
 155 s. 775.082, s. 775.083, or s. 775.084, if:

156 (I) At the time of the crash, the person knew, or should  
 157 have known, that the crash occurred; and

158 (II) The person failed to give information and render aid  
 159 as required by s. 316.062.

160 c. A felony of the first degree, punishable as provided in  
 161 s. 775.082, s. 775.083, or s. 775.084, if the person has a prior  
 162 conviction for a violation of this subparagraph or s. 782.071.

163  
 164 For purposes of this subsection, the term "unborn child" has the  
 165 same meaning as provided in s. 775.021(5). A person who is  
 166 convicted of DUI manslaughter shall be sentenced to a mandatory  
 167 minimum term of imprisonment of 4 years.

168 Section 3. Paragraphs (a) and (c) of subsection (1) of  
 169 section 316.1932, Florida Statutes, are amended to read:

170 316.1932 Tests for alcohol, chemical substances, ~~or~~  
 171 controlled substances, or impairing substances; implied consent;  
 172 refusal.-

173 (1)(a)1.a. A person who accepts the privilege extended by  
 174 the laws of this state of operating a motor vehicle within this

604-02146B-25

2025138c2

175 state is, by operating such vehicle, deemed to have given his or  
 176 her consent to submit to an approved chemical test or physical  
 177 test including, but not limited to, an infrared light test of  
 178 his or her breath for the purpose of determining the alcoholic  
 179 content of his or her blood or breath if the person is lawfully  
 180 arrested for any offense allegedly committed while the person  
 181 was driving or was in actual physical control of a motor vehicle  
 182 while under the influence of alcoholic beverages. The chemical  
 183 or physical breath test must be incidental to a lawful arrest  
 184 and administered at the request of a law enforcement officer who  
 185 has reasonable cause to believe such person was driving or was  
 186 in actual physical control of the motor vehicle within this  
 187 state while under the influence of alcoholic beverages. The  
 188 administration of a breath test does not preclude the  
 189 administration of another type of test. The person must ~~shall~~ be  
 190 told that his or her failure to submit to any lawful test of his  
 191 or her breath will result in the suspension of his or her the  
 192 ~~person's~~ privilege to operate a motor vehicle as provided in s.  
 193 322.2615(1) (a) for a period of 1 year for a first refusal, or  
 194 for a period of 18 months if the driving privilege of such  
 195 person has been previously suspended or if he or she has  
 196 previously been fined under s. 327.35215 as a result of a  
 197 refusal to submit to a test or tests required under this chapter  
 198 or chapter 327, and must ~~shall~~ also be told that if he or she  
 199 refuses to submit to a lawful test of his or her breath ~~and his~~  
 200 ~~or her driving privilege has been previously suspended or if he~~  
 201 ~~or she has previously been fined under s. 327.35215 for a prior~~  
 202 ~~refusal to submit to a lawful test of his or her breath, urine,~~  
 203 ~~or blood as required under this chapter or chapter 327, he or~~

Page 7 of 37

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604-02146B-25

2025138c2

204 she commits a misdemeanor of the second ~~first~~ degree, punishable  
 205 as provided in s. 775.082 or s. 775.083, or a misdemeanor of the  
 206 first degree, punishable as provided in s. 775.082 or s.  
 207 775.083, if his or her driving privilege has been previously  
 208 suspended or if he or she has previously been fined under s.  
 209 327.35215 for a prior refusal to submit to a lawful test of his  
 210 or her breath, urine, or blood as required under this chapter or  
 211 chapter 327, in addition to any other penalties provided by law.  
 212 The refusal to submit to a chemical or physical breath test upon  
 213 the request of a law enforcement officer as provided in this  
 214 section is admissible into evidence in any criminal proceeding.  
 215 b. A person who accepts the privilege extended by the laws  
 216 of this state of operating a motor vehicle within this state is,  
 217 by operating such vehicle, deemed to have given his or her  
 218 consent to submit to a urine test for the purpose of detecting  
 219 the presence of chemical substances as set forth in s. 877.111,  
 220 ~~or~~ controlled substances, or impairing substances if the person  
 221 is lawfully arrested for any offense allegedly committed while  
 222 the person was driving or was in actual physical control of a  
 223 motor vehicle while under the influence of chemical substances,  
 224 ~~or~~ controlled substances, or impairing substances. The urine  
 225 test must be incidental to a lawful arrest and administered at a  
 226 detention facility or any other facility, mobile or otherwise,  
 227 which is equipped to administer such tests at the request of a  
 228 law enforcement officer who has reasonable cause to believe such  
 229 person was driving or was in actual physical control of a motor  
 230 vehicle within this state while under the influence of chemical  
 231 substances, ~~or~~ controlled substances, or impairing substances.  
 232 The urine test must ~~shall~~ be administered at a detention

Page 8 of 37

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604-02146B-25

2025138c2

233 facility or any other facility, mobile or otherwise, which is  
 234 equipped to administer such test in a reasonable manner that  
 235 will ensure the accuracy of the specimen and maintain the  
 236 privacy of the individual involved. The administration of a  
 237 urine test does not preclude the administration of another type  
 238 of test. The person ~~must shall~~ be told that his or her failure  
 239 to submit to any lawful test of his or her urine will result in  
 240 the suspension of his or her ~~the person's~~ privilege to operate a  
 241 motor vehicle for a period of 1 year for the first refusal, or  
 242 for a period of 18 months if the driving privilege of such  
 243 person has been previously suspended or if he or she has  
 244 previously been fined under s. 327.35215 as a result of a  
 245 refusal to submit to a test or tests required under this chapter  
 246 or chapter 327, and ~~must shall~~ also be told that if he or she  
 247 refuses to submit to a lawful test of his or her urine ~~and his~~  
 248 ~~or her driving privilege has been previously suspended or if he~~  
 249 ~~or she has previously been fined under s. 327.35215 for a prior~~  
 250 ~~refusal to submit to a lawful test of his or her breath, urine,~~  
 251 ~~or blood as required under this chapter or chapter 327,~~ he or  
 252 she commits a misdemeanor of the second ~~first~~ degree, punishable  
 253 as provided in s. 775.082 or s. 775.083, or a misdemeanor of the  
 254 first degree, punishable as provided in s. 775.082 or s.  
 255 775.083, if his or her driving privilege has been previously  
 256 suspended or if he or she has previously been fined under s.  
 257 327.35215 for a prior refusal to submit to a lawful test of his  
 258 or her breath, urine, or blood as required under this chapter or  
 259 chapter 327, in addition to any other penalties provided by law.  
 260 The refusal to submit to a urine test upon the request of a law  
 261 enforcement officer as provided in this section is admissible

Page 9 of 37

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604-02146B-25

2025138c2

262 into evidence in any criminal proceeding.  
 263 2. The Alcohol Testing Program within the Department of Law  
 264 Enforcement is responsible for the regulation of the operation,  
 265 inspection, and registration of breath test instruments utilized  
 266 under the driving and boating under the influence provisions and  
 267 related provisions located in this chapter and chapters 322 and  
 268 327. The program is responsible for the regulation of the  
 269 individuals who operate, inspect, and instruct on the breath  
 270 test instruments utilized in the driving and boating under the  
 271 influence provisions and related provisions located in this  
 272 chapter and chapters 322 and 327. The program is further  
 273 responsible for the regulation of blood analysts who conduct  
 274 blood testing to be utilized under the driving and boating under  
 275 the influence provisions and related provisions located in this  
 276 chapter and chapters 322 and 327. The program shall:  
 277 a. Establish uniform criteria for the issuance of permits  
 278 to breath test operators, agency inspectors, instructors, blood  
 279 analysts, and instruments.  
 280 b. Have the authority to permit breath test operators,  
 281 agency inspectors, instructors, blood analysts, and instruments.  
 282 c. Have the authority to discipline and suspend, revoke, or  
 283 renew the permits of breath test operators, agency inspectors,  
 284 instructors, blood analysts, and instruments.  
 285 d. Establish uniform requirements for instruction and  
 286 curricula for the operation and inspection of approved  
 287 instruments.  
 288 e. Have the authority to specify one approved curriculum  
 289 for the operation and inspection of approved instruments.  
 290 f. Establish a procedure for the approval of breath test

Page 10 of 37

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604-02146B-25

2025138c2

291 operator and agency inspector classes.

292 g. Have the authority to approve or disapprove breath test  
293 instruments and accompanying paraphernalia for use pursuant to  
294 the driving and boating under the influence provisions and  
295 related provisions located in this chapter and chapters 322 and  
296 327.

297 h. With the approval of the executive director of the  
298 Department of Law Enforcement, make and enter into contracts and  
299 agreements with other agencies, organizations, associations,  
300 corporations, individuals, or federal agencies as are necessary,  
301 expedient, or incidental to the performance of duties.

302 i. Issue final orders which include findings of fact and  
303 conclusions of law and which constitute final agency action for  
304 the purpose of chapter 120.

305 j. Enforce compliance with this section through civil or  
306 administrative proceedings.

307 k. Make recommendations concerning any matter within the  
308 purview of this section, this chapter, chapter 322, or chapter  
309 327.

310 l. Adopt ~~Promulgate~~ rules for the administration and  
311 implementation of this section, including definitions of terms.

312 m. Consult and cooperate with other entities for the  
313 purpose of implementing the mandates of this section.

314 n. Have the authority to approve the type of blood test  
315 utilized under the driving and boating under the influence  
316 provisions and related provisions located in this chapter and  
317 chapters 322 and 327.

318 o. Have the authority to specify techniques and methods for  
319 breath alcohol testing and blood testing utilized under the

604-02146B-25

2025138c2

320 driving and boating under the influence provisions and related  
321 provisions located in this chapter and chapters 322 and 327.

322 p. Have the authority to approve repair facilities for the  
323 approved breath test instruments, including the authority to set  
324 criteria for approval.

325  
326 Nothing in this section shall be construed to supersede  
327 provisions in this chapter and chapters 322 and 327. The  
328 specifications in this section are derived from the power and  
329 authority previously and currently possessed by the Department  
330 of Law Enforcement and are enumerated to conform with the  
331 mandates of chapter 99-379, Laws of Florida.

332 (c) A person who accepts the privilege extended by the laws  
333 of this state of operating a motor vehicle within this state is,  
334 by operating such vehicle, deemed to have given his or her  
335 consent to submit to an approved blood test for the purpose of  
336 determining the alcoholic content of the blood or a blood test  
337 for the purpose of determining the presence of chemical  
338 substances, ~~or~~ controlled substances, or impairing substances as  
339 provided in this section if there is reasonable cause to believe  
340 the person was driving or in actual physical control of a motor  
341 vehicle while under the influence of alcoholic beverages, ~~or~~  
342 chemical substances, or impairing substances and the person appears for treatment at a hospital,  
343 clinic, or other medical facility and the administration of a  
344 breath or urine test is impractical or impossible. As used in  
345 this paragraph, the term "other medical facility" includes an  
346 ambulance or other medical emergency vehicle. The blood test  
347 shall be performed in a reasonable manner. A person who is  
348

604-02146B-25

2025138c2

349 incapable of refusal by reason of unconsciousness or other  
 350 mental or physical condition is deemed not to have withdrawn his  
 351 or her consent to such test. A blood test may be administered  
 352 whether or not the person is told that his or her failure to  
 353 submit to such a blood test will result in the suspension of the  
 354 person's privilege to operate a motor vehicle upon the public  
 355 highways of this state and that a refusal to submit to a lawful  
 356 test of his or her blood, if his or her driving privilege has  
 357 been previously suspended for refusal to submit to a lawful test  
 358 of his or her breath, urine, or blood, is a misdemeanor. A  
 359 person who is capable of refusal shall be told that his or her  
 360 failure to submit to such a blood test will result in the  
 361 suspension of the person's privilege to operate a motor vehicle  
 362 for a period of 1 year for a first refusal, or for a period of  
 363 18 months if the driving privilege of the person has been  
 364 suspended previously or if he or she has previously been fined  
 365 under s. 327.35215 as a result of a refusal to submit to a test  
 366 or tests required under this chapter or chapter 327. The refusal  
 367 to submit to a blood test upon the request of a law enforcement  
 368 officer is admissible in evidence in any criminal proceeding.

369 Section 4. Paragraph (a) of subsection (1), paragraph (a)  
 370 of subsection (2), paragraph (b) of subsection (3), and  
 371 subsection (4) of section 316.1933, Florida Statutes, are  
 372 amended to read:

373 316.1933 Blood test for impairment or intoxication in cases  
 374 of death or serious bodily injury; right to use reasonable  
 375 force.-

376 (1)(a) If a law enforcement officer has probable cause to  
 377 believe that a motor vehicle driven by or in the actual physical

Page 13 of 37

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604-02146B-25

2025138c2

378 control of a person under the influence of alcoholic beverages,  
 379 any chemical substances, ~~or~~ any controlled substances, or any  
 380 impairing substances has caused the death or serious bodily  
 381 injury of a human being, a law enforcement officer shall require  
 382 the person driving or in actual physical control of the motor  
 383 vehicle to submit to a test of the person's blood for the  
 384 purpose of determining the alcoholic content thereof or the  
 385 presence of chemical substances as set forth in s. 877.111, ~~or~~  
 386 any substances ~~substance~~ controlled under chapter 893, or any  
 387 impairing substances. The law enforcement officer may use  
 388 reasonable force if necessary to require such person to submit  
 389 to the administration of the blood test. The blood test shall be  
 390 performed in a reasonable manner. Notwithstanding s. 316.1932,  
 391 the testing required by this paragraph need not be incidental to  
 392 a lawful arrest of the person.

393 (2)(a) Only a physician, certified paramedic, registered  
 394 nurse, licensed practical nurse, other personnel authorized by a  
 395 hospital to draw blood, or duly licensed clinical laboratory  
 396 director, supervisor, technologist, or technician, acting at the  
 397 request of a law enforcement officer, may withdraw blood for the  
 398 purpose of determining the alcoholic content thereof or the  
 399 presence of chemical substances, ~~or~~ controlled substances, or  
 400 impairing substances therein. However, the failure of a law  
 401 enforcement officer to request the withdrawal of blood does  
 402 ~~shall~~ not affect the admissibility of a test of blood withdrawn  
 403 for medical purposes.

404 1. Notwithstanding any provision of law pertaining to the  
 405 confidentiality of hospital records or other medical records, if  
 406 a health care provider, who is providing medical care in a

Page 14 of 37

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604-02146B-25

2025138c2

407 health care facility to a person injured in a motor vehicle  
 408 crash, becomes aware, as a result of any blood test performed in  
 409 the course of that medical treatment, that the person's blood-  
 410 alcohol level meets or exceeds the blood-alcohol level specified  
 411 in s. 316.193(1)(b), the health care provider may notify any law  
 412 enforcement officer or law enforcement agency. Any such notice  
 413 must be given within a reasonable time after the health care  
 414 provider receives the test result. Any such notice shall be used  
 415 only for the purpose of providing the law enforcement officer  
 416 with reasonable cause to request the withdrawal of a blood  
 417 sample pursuant to this section.

418 2. The notice shall consist only of the name of the person  
 419 being treated, the name of the person who drew the blood, the  
 420 blood-alcohol level indicated by the test, and the date and time  
 421 of the administration of the test.

422 3. Nothing contained in s. 395.3025(4), s. 456.057, or any  
 423 applicable practice act affects the authority to provide notice  
 424 under this section, and the health care provider is not  
 425 considered to have breached any duty owed to the person under s.  
 426 395.3025(4), s. 456.057, or any applicable practice act by  
 427 providing notice or failing to provide notice. It is ~~shall~~ not  
 428 be a breach of any ethical, moral, or legal duty for a health  
 429 care provider to provide notice or fail to provide notice.

430 4. A civil, criminal, or administrative action may not be  
 431 brought against any person or health care provider participating  
 432 in good faith in the provision of notice or failure to provide  
 433 notice as provided in this section. Any person or health care  
 434 provider participating in the provision of notice or failure to  
 435 provide notice as provided in this section shall be immune from

Page 15 of 37

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604-02146B-25

2025138c2

436 any civil or criminal liability and from any professional  
 437 disciplinary action with respect to the provision of notice or  
 438 failure to provide notice under this section. Any such  
 439 participant has the same immunity with respect to participating  
 440 in any judicial proceedings resulting from the notice or failure  
 441 to provide notice.

442 (3)  
 443 (b) The results of any test administered pursuant to this  
 444 section for the purpose of detecting the presence of any  
 445 controlled substance or impairing substance are ~~shall not be~~  
 446 admissible as evidence in a criminal prosecution for the  
 447 possession of a controlled substance or impairing substance.

448 (4) Notwithstanding any provision of law pertaining to the  
 449 confidentiality of hospital records or other medical records,  
 450 information relating to the alcoholic content of the blood or  
 451 the presence of chemical substances, ~~or~~ controlled substances,  
 452 or impairing substances in the blood obtained pursuant to this  
 453 section shall be released to a court, prosecuting attorney,  
 454 defense attorney, or law enforcement officer in connection with  
 455 an alleged violation of s. 316.193 upon request for such  
 456 information.

457 Section 5. Subsections (1) and (2) of section 316.1934,  
 458 Florida Statutes, are amended to read:

459 316.1934 Presumption of impairment; testing methods.—

460 (1) It is unlawful and punishable as provided in chapter  
 461 322 and in s. 316.193 for any person who is under the influence  
 462 of alcoholic beverages, ~~or~~ controlled substances, or impairing  
 463 substances, when affected to the extent that the person's normal  
 464 faculties are impaired or to the extent that the person is

Page 16 of 37

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604-02146B-25

2025138c2

465 deprived of full possession of normal faculties, to drive or be  
 466 in actual physical control of any motor vehicle within this  
 467 state. Such normal faculties include, but are not limited to,  
 468 the ability to see, hear, walk, talk, judge distances, drive an  
 469 automobile, make judgments, act in emergencies, and, in general,  
 470 normally perform the many mental and physical acts of daily  
 471 life.

472 (2) At the trial of any civil or criminal action or  
 473 proceeding arising out of acts alleged to have been committed by  
 474 any person while driving, or in actual physical control of, a  
 475 vehicle while under the influence of alcoholic beverages, ~~or~~  
 476 controlled substances, or impairing substances, when affected to  
 477 the extent that the person's normal faculties were impaired or  
 478 to the extent that he or she was deprived of full possession of  
 479 his or her normal faculties, the results of any test  
 480 administered in accordance with s. 316.1932 or s. 316.1933 and  
 481 this section are admissible into evidence when otherwise  
 482 admissible, and the amount of alcohol in the person's blood or  
 483 breath at the time alleged, as shown by chemical analysis of the  
 484 person's blood, or by chemical or physical test of the person's  
 485 breath, gives rise to the following presumptions:

486 (a) If there was at that time a blood-alcohol level or  
 487 breath-alcohol level of 0.05 or less, it is presumed that the  
 488 person was not under the influence of alcoholic beverages to the  
 489 extent that his or her normal faculties were impaired.

490 (b) If there was at that time a blood-alcohol level or  
 491 breath-alcohol level in excess of 0.05 but less than 0.08, that  
 492 fact does not give rise to any presumption that the person was  
 493 or was not under the influence of alcoholic beverages to the

Page 17 of 37

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604-02146B-25

2025138c2

494 extent that his or her normal faculties were impaired but may be  
 495 considered with other competent evidence in determining whether  
 496 the person was under the influence of alcoholic beverages to the  
 497 extent that his or her normal faculties were impaired.

498 (c) If there was at that time a blood-alcohol level or  
 499 breath-alcohol level of 0.08 or higher, that fact is prima facie  
 500 evidence that the person was under the influence of alcoholic  
 501 beverages to the extent that his or her normal faculties were  
 502 impaired. Moreover, such person who has a blood-alcohol level or  
 503 breath-alcohol level of 0.08 or higher is guilty of driving, or  
 504 being in actual physical control of, a motor vehicle, with an  
 505 unlawful blood-alcohol level or breath-alcohol level.

506  
 507 The presumptions provided in this subsection do not limit the  
 508 introduction of any other competent evidence bearing upon the  
 509 question of whether the person was under the influence of  
 510 alcoholic beverages to the extent that his or her normal  
 511 faculties were impaired.

512 Section 6. Section 316.1939, Florida Statutes, is amended  
 513 to read:

514 316.1939 Refusal to submit to testing; penalties.—

515 (1) A person who has refused to submit to a chemical or  
 516 physical test of his or her breath or urine, as described in s.  
 517 316.1932, commits a misdemeanor of the second degree, punishable  
 518 as provided in s. 775.082 or s. 775.083, in addition to any  
 519 other penalties provided by law, and such person whose driving  
 520 privilege was previously suspended or who was previously fined  
 521 under s. 327.35215 for a prior refusal to submit to a lawful  
 522 test of his or her breath, urine, or blood required under this

Page 18 of 37

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604-02146B-25

2025138c2

523 chapter or chapter 327 commits a misdemeanor of the first  
 524 degree, punishable as provided in s. 775.082 or s. 775.083, in  
 525 addition to any other penalties provided by law if all of the  
 526 following apply, and:

527 (a) ~~Who~~ The arresting law enforcement officer had probable  
 528 cause to believe that the person was driving or in actual  
 529 physical control of a motor vehicle in this state while under  
 530 the influence of alcoholic beverages, chemical substances, ~~or~~  
 531 controlled substances, or impairing substances.

532 (b) The person ~~Who~~ was placed under lawful arrest for a  
 533 violation of s. 316.1932, unless such test was requested pursuant  
 534 to s. 316.1932(1)(c).~~†~~

535 (c) The person ~~Who~~ was informed that, if he or she refused  
 536 to submit to such test, his or her privilege to operate a motor  
 537 vehicle would be suspended for a period of 1 year or, in the  
 538 case of a second or subsequent refusal, for a period of 18  
 539 months.~~†~~

540 (d) The person, after having been informed as required in  
 541 paragraph (c), still refuses ~~Who was informed that a refusal to~~  
 542 submit to a lawful test of his or her breath or urine as  
 543 described in s. 316.1932, if his or her driving privilege has  
 544 been previously suspended or if he or she has previously been  
 545 fined under s. 327.35215 for a prior refusal to submit to a  
 546 lawful test of his or her breath, urine, or blood as required  
 547 under this chapter or chapter 327, is a misdemeanor of the first  
 548 degree, punishable as provided in s. 775.082 or s. 775.083, in  
 549 addition to any other penalties provided by law; and

550 (e) ~~Who, after having been so informed, refused to submit~~  
 551 ~~to any such test when requested to do so by a law enforcement~~

Page 19 of 37

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604-02146B-25

2025138c2

552 ~~officer or correctional officer~~

553

554 ~~commits a misdemeanor of the first degree and is subject to~~  
 555 ~~punishment as provided in s. 775.082 or s. 775.083.~~

556 (2) The disposition of any administrative proceeding that  
 557 relates to the suspension of a person's driving privilege does  
 558 not affect a criminal action under this section.

559 (3) The disposition of a criminal action under this section  
 560 does not affect any administrative proceeding that relates to  
 561 the suspension of a person's driving privilege. The department's  
 562 records showing that a person's license has been previously  
 563 suspended for a prior refusal to submit to a lawful test of his  
 564 or her breath, urine, or blood are ~~shall be~~ admissible and  
 565 create ~~shall create~~ a rebuttable presumption of such suspension.

566 Section 7. Section 316.19395, Florida Statutes, is created  
 567 to read:

568 316.19395 Driving under the influence diversion programs.—

569 (1) Any state attorney may create a driving under the  
 570 influence diversion program. A state attorney that creates such  
 571 a diversion program shall publish the terms and conditions of  
 572 the program on the website of the office of the state attorney.

573 (2) Each state attorney that offers a diversion program  
 574 under this section shall notify the department of each person  
 575 who successfully completes the program. The department shall  
 576 notate the successful completion of the diversion program on the  
 577 driving record of each such person.

578 (3) A person who successfully completes a diversion program  
 579 offered under this section is ineligible for future  
 580 participation in such a program.

Page 20 of 37

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604-02146B-25

2025138c2

581 Section 8. Subsection (1) of section 316.656, Florida  
582 Statutes, is amended to read:

583 316.656 Mandatory adjudication; prohibition against  
584 accepting plea to lesser included offense.—

585 (1) Notwithstanding ~~the provisions of s. 948.01, a court~~  
586 ~~may not~~ ~~no court may~~ suspend, defer, or withhold adjudication of  
587 guilt or imposition of sentence for any violation of s. 316.193  
588 or s. 316.1939, for manslaughter resulting from the operation of  
589 a motor vehicle, or for vehicular homicide.

590 Section 9. Subsection (2) of section 322.34, Florida  
591 Statutes, is amended to read:

592 322.34 Driving while license suspended, revoked, canceled,  
593 or disqualified.—

594 (2) Any person whose driver license or driving privilege  
595 has been canceled, suspended, or revoked as provided by law, or  
596 who does not have a driver license or driving privilege but is  
597 under suspension or revocation equivalent status as defined in  
598 s. 322.01(43), except persons defined in s. 322.264, who,  
599 knowing of such cancellation, suspension, revocation, or  
600 suspension or revocation equivalent status, drives any motor  
601 vehicle upon the highways of this state while such license or  
602 privilege is canceled, suspended, or revoked, or while under  
603 suspension or revocation equivalent status, commits:

604 (a) A misdemeanor of the second degree, punishable as  
605 provided in s. 775.082 or s. 775.083.

606 (b) ~~1-~~ A misdemeanor of the first degree, punishable as  
607 provided in s. 775.082 or s. 775.083, upon a second or  
608 subsequent conviction, except as provided in paragraph (c).

609 ~~2-~~ A person convicted of a third or subsequent conviction,

604-02146B-25

2025138c2

610 except as provided in paragraph (c), must serve a minimum of 10  
611 days in jail.

612 (c) A felony of the third degree, punishable as provided in  
613 s. 775.082, s. 775.083, or s. 775.084, upon a third or  
614 subsequent conviction if the current violation of this section  
615 or the most recent prior violation of the section is related to  
616 driving while license canceled, suspended, revoked, or  
617 suspension or revocation equivalent status resulting from a  
618 violation of:

619 1. Driving under the influence. A person to whom this  
620 subparagraph applies must serve a minimum of 30 days in jail  
621 upon a first conviction, a minimum of 60 days in jail upon a  
622 second conviction, and a minimum of 90 days in jail upon a third  
623 or subsequent conviction;

624 2. Refusal to submit to a urine, breath-alcohol, or blood  
625 alcohol test. A person to whom this subparagraph applies must  
626 serve a minimum of 30 days in jail upon a first conviction, a  
627 minimum of 60 days in jail upon a second conviction, and a  
628 minimum of 90 days in jail upon a third or subsequent  
629 conviction;

630 3. A traffic offense causing death or serious bodily  
631 injury; or

632 4. Fleeing or eluding.

633  
634 The element of knowledge is satisfied if the person has been  
635 previously cited as provided in subsection (1); or the person  
636 admits to knowledge of the cancellation, suspension, or  
637 revocation, or suspension or revocation equivalent status; or  
638 the person received notice as provided in subsection (4). There

604-02146B-25

2025138c2

639 ~~is shall be~~ a rebuttable presumption that the knowledge  
640 requirement is satisfied if a judgment or an order as provided  
641 in subsection (4) appears in the department's records for any  
642 case except for one involving a suspension by the department for  
643 failure to pay a traffic fine or for a financial responsibility  
644 violation.

645 Section 10. Subsections (1) and (8) of section 327.35,  
646 Florida Statutes, are amended to read:

647 327.35 Boating under the influence; penalties; "designated  
648 drivers."—

649 (1) A person commits ~~is guilty of~~ the offense of boating  
650 under the influence and is subject to punishment as provided in  
651 subsection (2) if the person is operating a vessel within this  
652 state and:

653 (a) The person is under the influence of alcoholic  
654 beverages, any chemical substance set forth in s. 877.111, ~~or~~  
655 any substance controlled under chapter 893, or any impairing  
656 substance, when affected to the extent that the person's normal  
657 faculties are impaired;

658 (b) The person has a blood-alcohol level of 0.08 or more  
659 grams of alcohol per 100 milliliters of blood; or

660 (c) The person has a breath-alcohol level of 0.08 or more  
661 grams of alcohol per 210 liters of breath.

662 (8) A person who is arrested for a violation of this  
663 section may not be released from custody:

664 (a) Until the person is no longer under the influence of  
665 alcoholic beverages, any chemical substance set forth in s.  
666 877.111, ~~or~~ any substance controlled under chapter 893, or any  
667 impairing substance and affected to the extent that his or her

604-02146B-25

2025138c2

668 normal faculties are impaired;

669 (b) Until the person's blood-alcohol level or breath-  
670 alcohol level is less than 0.05; or

671 (c) Until 8 hours have elapsed from the time the person was  
672 arrested.

673 Section 11. Paragraphs (a), (c), (d), and (e) of subsection  
674 (1) and subsection (3) of section 327.352, Florida Statutes, are  
675 amended to read:

676 327.352 Tests for alcohol and other, ~~chemical substances,~~  
677 ~~or controlled~~ substances; implied consent; refusal.—

678 (1)(a)1. The Legislature declares that the operation of a  
679 vessel is a privilege that must be exercised in a reasonable  
680 manner. In order to protect the public health and safety, it is  
681 essential that a lawful and effective means of reducing the  
682 incidence of boating while impaired or intoxicated be  
683 established. Therefore, a person who accepts the privilege  
684 extended by the laws of this state of operating a vessel within  
685 this state is, by operating such vessel, deemed to have given  
686 his or her consent to submit to an approved chemical test or  
687 physical test including, but not limited to, an infrared light  
688 test of his or her breath for the purpose of determining the  
689 alcoholic content of his or her blood or breath if the person is  
690 lawfully arrested for any offense allegedly committed while the  
691 person was operating a vessel while under the influence of  
692 alcoholic beverages. The chemical or physical breath test must  
693 be incidental to a lawful arrest and administered at the request  
694 of a law enforcement officer who has reasonable cause to believe  
695 such person was operating the vessel within this state while  
696 under the influence of alcoholic beverages. The administration

604-02146B-25

2025138c2

697 of a breath test does not preclude the administration of another  
 698 type of test. The person shall be told that his or her failure  
 699 to submit to any lawful test of his or her breath under this  
 700 chapter will result in a civil penalty of \$500, and that if he  
 701 or she refuses to submit to a lawful test of his or her breath  
 702 and he or she has been previously fined under s. 327.35215 or  
 703 his or her driving privilege has been previously suspended for  
 704 refusal to submit to any lawful test of his or her breath,  
 705 urine, or blood, he or she commits a misdemeanor of the first  
 706 degree, punishable as provided in s. 775.082 or s. 775.083, in  
 707 addition to any other penalties provided by law. The refusal to  
 708 submit to a chemical or physical breath test upon the request of  
 709 a law enforcement officer as provided in this section is  
 710 admissible into evidence in any criminal proceeding.

711 2. A person who accepts the privilege extended by the laws  
 712 of this state of operating a vessel within this state is, by  
 713 operating such vessel, deemed to have given his or her consent  
 714 to submit to a urine test for the purpose of detecting the  
 715 presence of chemical substances as set forth in s. 877.111, ~~or~~  
 716 controlled substances, or impairing substances if the person is  
 717 lawfully arrested for any offense allegedly committed while the  
 718 person was operating a vessel while under the influence of  
 719 chemical substances, ~~or~~ controlled substances, or impairing  
 720 substances. The urine test must be incidental to a lawful arrest  
 721 and administered at a detention facility or any other facility,  
 722 mobile or otherwise, which is equipped to administer such tests  
 723 at the request of a law enforcement officer who has reasonable  
 724 cause to believe such person was operating a vessel within this  
 725 state while under the influence of chemical substances, ~~or~~

Page 25 of 37

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604-02146B-25

2025138c2

726 controlled substances, or impairing substances. The urine test  
 727 must be administered at a detention facility or any other  
 728 facility, mobile or otherwise, which is equipped to administer  
 729 such test in a reasonable manner that will ensure the accuracy  
 730 of the specimen and maintain the privacy of the individual  
 731 involved. The administration of a urine test does not preclude  
 732 the administration of another type of test. The person shall be  
 733 told that his or her failure to submit to any lawful test of his  
 734 or her urine under this chapter will result in a civil penalty  
 735 of \$500, and that if he or she refuses to submit to a lawful  
 736 test of his or her urine and he or she has been previously fined  
 737 under s. 327.35215 or his or her driving privilege has been  
 738 previously suspended for refusal to submit to any lawful test of  
 739 his or her breath, urine, or blood, he or she commits a  
 740 misdemeanor of the first degree, punishable as provided in s.  
 741 775.082 or s. 775.083, in addition to any other penalties  
 742 provided by law. The refusal to submit to a urine test upon the  
 743 request of a law enforcement officer as provided in this section  
 744 is admissible into evidence in any criminal proceeding.

745 (c) A person who accepts the privilege extended by the laws  
 746 of this state of operating a vessel within this state is, by  
 747 operating such vessel, deemed to have given his or her consent  
 748 to submit to an approved blood test for the purpose of  
 749 determining the alcoholic content of the blood or a blood test  
 750 for the purpose of determining the presence of chemical  
 751 substances, ~~or~~ controlled substances, or impairing substances as  
 752 provided in this section if there is reasonable cause to believe  
 753 the person was operating a vessel while under the influence of  
 754 alcoholic beverages or chemical, ~~or~~ controlled, or impairing

Page 26 of 37

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604-02146B-25

2025138c2

754 substances and the person appears for treatment at a hospital,  
 755 clinic, or other medical facility and the administration of a  
 756 breath or urine test is impractical or impossible. As used in  
 757 this paragraph, the term "other medical facility" includes an  
 758 ambulance or other medical emergency vehicle. The blood test  
 759 must be performed in a reasonable manner. A person who is  
 760 incapable of refusal by reason of unconsciousness or other  
 761 mental or physical condition is deemed not to have withdrawn his  
 762 or her consent to such test. A person who is capable of refusal  
 763 shall be told that his or her failure to submit to such a blood  
 764 test will result in a civil penalty of \$500. The refusal to  
 765 submit to a blood test upon the request of a law enforcement  
 766 officer is admissible in evidence in any criminal proceeding.

768 (d) If the arresting officer does not request a chemical or  
 769 physical breath test of the person arrested for any offense  
 770 allegedly committed while the person was operating a vessel  
 771 while under the influence of alcoholic beverages, ~~or~~ controlled  
 772 substances, or impairing substances, the person may request the  
 773 arresting officer to have a chemical or physical test made of  
 774 the arrested person's breath or a test of the urine or blood for  
 775 the purpose of determining the alcoholic content of the person's  
 776 blood or breath or the presence of chemical substances, ~~or~~  
 777 controlled substances, or impairing substances; and, if so  
 778 requested, the arresting officer shall have the test performed.

779 (e)1. The tests determining the weight of alcohol in the  
 780 defendant's blood or breath shall be administered at the request  
 781 of a law enforcement officer substantially in accordance with  
 782 rules of the Department of Law Enforcement. However, the failure  
 783 of a law enforcement officer to request the withdrawal of blood

Page 27 of 37

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604-02146B-25

2025138c2

784 does not affect the admissibility of a test of blood withdrawn  
 785 for medical purposes.

786 2. Only a physician, certified paramedic, registered nurse,  
 787 licensed practical nurse, other personnel authorized by a  
 788 hospital to draw blood, or duly licensed clinical laboratory  
 789 director, supervisor, technologist, or technician, acting at the  
 790 request of a law enforcement officer, may withdraw blood for the  
 791 purpose of determining its alcoholic content or the presence of  
 792 chemical substances, ~~or~~ controlled substances, or impairing  
 793 substances therein. However, the failure of a law enforcement  
 794 officer to request the withdrawal of blood does not affect the  
 795 admissibility of a test of blood withdrawn for medical purposes.

796 3. The person tested may, at his or her own expense, have a  
 797 physician, registered nurse, other personnel authorized by a  
 798 hospital to draw blood, or duly licensed clinical laboratory  
 799 director, supervisor, technologist, or technician, or other  
 800 person of his or her own choosing administer an independent test  
 801 in addition to the test administered at the direction of the law  
 802 enforcement officer for the purpose of determining the amount of  
 803 alcohol in the person's blood or breath or the presence of  
 804 chemical substances, ~~or~~ controlled substances, or impairing  
 805 substances at the time alleged, as shown by chemical analysis of  
 806 his or her blood or urine, or by chemical or physical test of  
 807 his or her breath. The failure or inability to obtain an  
 808 independent test by a person does not preclude the admissibility  
 809 in evidence of the test taken at the direction of the law  
 810 enforcement officer. The law enforcement officer may ~~shall~~ not  
 811 interfere with the person's opportunity to obtain the  
 812 independent test and shall provide the person with timely

Page 28 of 37

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604-02146B-25 2025138c2

813 telephone access to secure the test, but the burden is on the  
814 person to arrange and secure the test at the person's own  
815 expense.

816 4. Upon the request of the person tested, full information  
817 concerning the results of the test taken at the direction of the  
818 law enforcement officer shall be made available to the person or  
819 his or her attorney. Full information is limited to the  
820 following:

821 a. The type of test administered and the procedures  
822 followed.

823 b. The time of the collection of the blood or breath sample  
824 analyzed.

825 c. The numerical results of the test indicating the alcohol  
826 content of the blood and breath.

827 d. The type and status of any permit issued by the  
828 Department of Law Enforcement which was held by the person who  
829 performed the test.

830 e. If the test was administered by means of a breath  
831 testing instrument, the date of performance of the most recent  
832 required inspection of such instrument.

833 Full information does not include manuals, schematics, or  
834 software of the instrument used to test the person or any other  
835 material that is not in the actual possession of the state.  
836 Additionally, full information does not include information in  
837 the possession of the manufacturer of the test instrument.

838 5. A hospital, clinical laboratory, medical clinic, or  
839 similar medical institution or physician, certified paramedic,  
840 registered nurse, licensed practical nurse, other personnel

604-02146B-25 2025138c2

842 authorized by a hospital to draw blood, or duly licensed  
843 clinical laboratory director, supervisor, technologist, or  
844 technician, or other person assisting a law enforcement officer  
845 does not incur any civil or criminal liability as a result of  
846 the withdrawal or analysis of a blood or urine specimen, or the  
847 chemical or physical test of a person's breath pursuant to  
848 accepted medical standards when requested by a law enforcement  
849 officer, regardless of whether or not the subject resisted  
850 administration of the test.

851 (3) Notwithstanding any provision of law pertaining to the  
852 confidentiality of hospital records or other medical records,  
853 information relating to the alcoholic content of the blood or  
854 breath or the presence of chemical substances, ~~or~~ controlled  
855 substances, or impairing substances in the blood obtained  
856 pursuant to this section shall be released to a court,  
857 prosecuting attorney, defense attorney, or law enforcement  
858 officer in connection with an alleged violation of s. 327.35  
859 upon request for such information.

860 Section 12. Paragraph (a) of subsection (1), paragraph (a)  
861 of subsection (2), paragraph (b) of subsection (3), and  
862 subsection (4) of section 327.353, Florida Statutes, are amended  
863 to read:

864 327.353 Blood test for impairment or intoxication in cases  
865 of death or serious bodily injury; right to use reasonable  
866 force.—

867 (1)(a) If a law enforcement officer has probable cause to  
868 believe that a vessel operated by a person under the influence  
869 of alcoholic beverages, any chemical substances, ~~or~~ any  
870 controlled substances, or any impairing substances has caused

604-02146B-25

2025138c2

871 the death or serious bodily injury of a human being, a law  
 872 enforcement officer shall require the person operating or in  
 873 actual physical control of the vessel to submit to a test of the  
 874 person's blood for the purpose of determining the alcoholic  
 875 content thereof or the presence of chemical substances as set  
 876 forth in s. 877.111, ~~or~~ any substance controlled under chapter  
 877 893, or any impairing substance. The law enforcement officer may  
 878 use reasonable force if necessary to require the person to  
 879 submit to the administration of the blood test. The blood test  
 880 shall be performed in a reasonable manner. Notwithstanding s.  
 881 327.352, the testing required by this paragraph need not be  
 882 incidental to a lawful arrest of the person.

883 (2) (a) Only a physician, certified paramedic, registered  
 884 nurse, licensed practical nurse, other personnel authorized by a  
 885 hospital to draw blood, or duly licensed clinical laboratory  
 886 director, supervisor, technologist, or technician, acting at the  
 887 request of a law enforcement officer, may withdraw blood for the  
 888 purpose of determining the alcoholic content thereof or the  
 889 presence of chemical substances, ~~or~~ controlled substances, or  
 890 impairing substances therein. However, the failure of a law  
 891 enforcement officer to request the withdrawal of blood does  
 892 ~~shall~~ not affect the admissibility of a test of blood withdrawn  
 893 for medical purposes.

894 (3)

895 (b) The results of any test administered pursuant to this  
 896 section for the purpose of detecting the presence of any  
 897 controlled substance or impairing substance are not admissible  
 898 as evidence in a criminal prosecution for the possession of a  
 899 controlled substance.

Page 31 of 37

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604-02146B-25

2025138c2

900 (4) Notwithstanding any provision of law pertaining to the  
 901 confidentiality of hospital records or other medical records,  
 902 information relating to the alcoholic content of the blood or  
 903 the presence of chemical substances, ~~or~~ controlled substances,  
 904 or impairing substances in the blood obtained pursuant to this  
 905 section shall be released to a court, prosecuting attorney,  
 906 defense attorney, or law enforcement officer in connection with  
 907 an alleged violation of s. 327.35 upon request for such  
 908 information.

909 Section 13. Subsections (1) and (2) of section 327.354,  
 910 Florida Statutes, are amended to read:

911 327.354 Presumption of impairment; testing methods.—

912 (1) It is unlawful and punishable as provided in s. 327.35  
 913 for any person who is under the influence of alcoholic  
 914 beverages, ~~or~~ controlled substances, or impairing substances,  
 915 when affected to the extent that the person's normal faculties  
 916 are impaired or to the extent that the person is deprived of  
 917 full possession of normal faculties, to operate any vessel  
 918 within this state. Such normal faculties include, but are not  
 919 limited to, the ability to see, hear, walk, talk, judge  
 920 distances, drive an automobile, make judgments, act in  
 921 emergencies, and, in general, normally perform the many mental  
 922 and physical acts of daily life.

923 (2) At the trial of any civil or criminal action or  
 924 proceeding arising out of acts alleged to have been committed by  
 925 any person while operating a vessel while under the influence of  
 926 alcoholic beverages, ~~or~~ controlled substances, or impairing  
 927 substances, when affected to the extent that the person's normal  
 928 faculties were impaired or to the extent that he or she was

Page 32 of 37

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604-02146B-25 2025138c2

929 deprived of full possession of his or her normal faculties, the  
 930 results of any test administered in accordance with s. 327.352  
 931 or s. 327.353 and this section are admissible into evidence when  
 932 otherwise admissible, and the amount of alcohol in the person's  
 933 blood or breath at the time alleged, as shown by chemical  
 934 analysis of the person's blood, or by chemical or physical test  
 935 of the person's breath, gives rise to the following  
 936 presumptions:

937 (a) If there was at that time a blood-alcohol level or  
 938 breath-alcohol level of 0.05 or less, it is presumed that the  
 939 person was not under the influence of alcoholic beverages to the  
 940 extent that his or her normal faculties were impaired.

941 (b) If there was at that time a blood-alcohol level or  
 942 breath-alcohol level in excess of 0.05 but less than 0.08, that  
 943 fact does not give rise to any presumption that the person was  
 944 or was not under the influence of alcoholic beverages to the  
 945 extent that his or her normal faculties were impaired but may be  
 946 considered with other competent evidence in determining whether  
 947 the person was under the influence of alcoholic beverages to the  
 948 extent that his or her normal faculties were impaired.

949 (c) If there was at that time a blood-alcohol level or  
 950 breath-alcohol level of 0.08 or higher, that fact is prima facie  
 951 evidence that the person was under the influence of alcoholic  
 952 beverages to the extent that his or her normal faculties were  
 953 impaired. Any person who operates a vessel and who has a blood-  
 954 alcohol level or breath-alcohol level of 0.08 or higher is  
 955 guilty of operating a vessel with an unlawful blood-alcohol  
 956 level or breath-alcohol level.

957

604-02146B-25 2025138c2

958 The presumptions provided in this subsection do not limit the  
 959 introduction of any other competent evidence bearing upon the  
 960 question of whether the person was under the influence of  
 961 alcoholic beverages to the extent that his or her normal  
 962 faculties were impaired.

963 Section 14. Section 327.359, Florida Statutes, is amended  
 964 to read:

965 327.359 Refusal to submit to testing; penalties.—A person  
 966 who has refused to submit to a chemical or physical test of his  
 967 or her breath or urine, as described in s. 327.352, and who has  
 968 been previously fined under s. 327.35215 or has previously had  
 969 his or her driver license suspended for refusal to submit to a  
 970 lawful test of his or her breath, urine, or blood, and:

971 (1) Who the arresting law enforcement officer had probable  
 972 cause to believe was operating or in actual physical control of  
 973 a vessel in this state while under the influence of alcoholic  
 974 beverages, chemical substances, ~~or~~ controlled substances, or  
 975 impairing substances;

976 (2) Who was placed under lawful arrest for a violation of  
 977 s. 327.35 unless such test was requested pursuant to s.  
 978 327.352(1)(c);

979 (3) Who was informed that if he or she refused to submit to  
 980 such test, he or she is subject to a fine of \$500;

981 (4) Who was informed that a refusal to submit to a lawful  
 982 test of his or her breath or urine, if he or she has been  
 983 previously fined under s. 327.35215 or has previously had his or  
 984 her driver license suspended for refusal to submit to a lawful  
 985 test of his or her breath, urine, or blood, is a misdemeanor of  
 986 the first degree, punishable as provided in s. 775.082 or s.

604-02146B-25 2025138c2

987 775.083; and  
 988 (5) Who, after having been so informed, refused to submit  
 989 to any such test when requested to do so by a law enforcement  
 990 officer or correctional officer  
 991  
 992 commits a misdemeanor of the first degree, punishable as  
 993 provided in s. 775.082 or s. 775.083.  
 994 Section 15. Subsection (1) of section 782.071, Florida  
 995 Statutes, is amended to read:  
 996 782.071 Vehicular homicide.—“Vehicular homicide” is the  
 997 killing of a human being, or the killing of an unborn child by  
 998 any injury to the mother, caused by the operation of a motor  
 999 vehicle by another in a reckless manner likely to cause the  
 1000 death of, or great bodily harm to, another.  
 1001 (1) Vehicular homicide is:  
 1002 (a) A felony of the second degree, punishable as provided  
 1003 in s. 775.082, s. 775.083, or s. 775.084.  
 1004 (b) A felony of the first degree, punishable as provided in  
 1005 s. 775.082, s. 775.083, or s. 775.084, if:  
 1006 1. At the time of the accident, the person knew, or should  
 1007 have known, that the accident occurred; and  
 1008 2. The person failed to give information and render aid as  
 1009 required by s. 316.062.  
 1010  
 1011 This paragraph does not require that the person knew that the  
 1012 accident resulted in injury or death.  
 1013 (c) A felony of the first degree, punishable as provided in  
 1014 s. 775.082, s. 775.083, or s. 775.084, if the person has a prior  
 1015 conviction for a violation of this section or s. 316.193(3)(c)3.

Page 35 of 37

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604-02146B-25 2025138c2

1016 Section 16. Section 933.02, Florida Statutes, is amended to  
 1017 read:  
 1018 933.02 Grounds for issuance of search warrant.—Upon proper  
 1019 affidavits being made, a search warrant may be issued under ~~the~~  
 1020 ~~provisions of~~ this chapter upon any of the following grounds:  
 1021 (1) When the property shall have been stolen or embezzled  
 1022 in violation of law;  
 1023 (2) When any property shall have been used:  
 1024 (a) As a means to commit any crime;  
 1025 (b) In connection with gambling, gambling implements and  
 1026 appliances; or  
 1027 (c) In violation of s. 847.011 or other laws in reference  
 1028 to obscene prints and literature;  
 1029 (3) When any property constitutes evidence relevant to  
 1030 proving that a felony has been committed;  
 1031 (4) When any property is being held or possessed:  
 1032 (a) In violation of any of the laws prohibiting the  
 1033 manufacture, sale, and transportation of intoxicating liquors;  
 1034 (b) In violation of the fish and game laws;  
 1035 (c) In violation of the laws relative to food and drug; or  
 1036 (d) In violation of the laws relative to citrus disease  
 1037 pursuant to s. 581.184; ~~or~~  
 1038 (5) When the laws in relation to cruelty to animals, as  
 1039 provided in chapter 828, have been or are violated in any  
 1040 particular building or place; or  
 1041 (6) When a sample of the blood of a person constitutes  
 1042 evidence relevant to proving that a violation of s. 316.193 or  
 1043 s. 327.35 has been committed.  
 1044

Page 36 of 37

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604-02146B-25

2025138c2

1045 This section also applies to any papers or documents used as a  
1046 means of or in aid of the commission of any offense against the  
1047 laws of the state.

1048 Section 17. This act shall take effect October 1, 2025.

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/20/25

Meeting Date

138

Bill Number or Topic

FP

Committee

Amendment Barcode (if applicable)

Name

AARON WAYT

Phone

(407) 435-3194

FL ASSN OF CRIMINAL DEF LAWYERS

Address

Email

Street

TLH

FL

City

State

Zip

Speaking:

For



Against

Information

**OR**

Waive Speaking:

In Support

Against

### PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

APPEARANCE RECORD

3/20/25

Meeting Date

138

Bill Number or Topic

RISCAL POLICY

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name WILLIAM B. SMITH

Phone 305-333-4344

Address 300 E BAYVARD ST

Street

Email WSMITH@FLPBA.ORG

TALLAHASSEE FL 32301

City

State

Zip

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [x] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing:

FL PBA

[ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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# APPEARANCE RECORD

SB 138

3/20/25

Meeting Date

Bill Number or Topic

Fiscal Policy  
Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name GARETT BERUAN Phone 850-488-3070

Address 107 W. Gaines St. Ste L-047 Email gberman@yourfla.org  
Street

Tallahassee FL 32399  
City State Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

This form is part of the public record for this meeting.

*LAST TO SPEAK*

The Florida Senate

APPEARANCE RECORD

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13-20-2025 Meeting Date

SB138 Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Trooper Susan M Barge

Phone 352-620-4701

Address 6030 CR 2321 Street

Email Susanbarge@flhsmv.gov

Parama City FL 32404 City State Zip

Speaking: [X] For [ ] Against [ ] Information OR Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

[ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

2nd to LAST speak

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Fiscal Policy

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BILL: SB 234

INTRODUCER: Senator Leek

SUBJECT: Criminal Offenses Against Law Enforcement Officers and Other Personnel

DATE: March 19, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	<b>Favorable</b>
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	<b>Favorable</b>
3.	<u>Vaughan</u>	<u>Siples</u>	<u>FP</u>	<b>Favorable</b>

---

**I. Summary:**

SB 234 amends s. 776.051, F.S., to revise language to expand law enforcement officers' protection from citizens' use or threatened use of force during an arrest or detention. The bill prohibits a person from using or threatening to use force to resist *a lawful or an unlawful arrest or detention*, or resisting an officer *acting in the performance of his or her legal duties as described in s. 943.10(1)*, F.S., if he or she is known, or reasonably appears, to be a law enforcement officer.

The language requiring that an officer must *be engaged in the execution of a legal duty, if the law enforcement officer was acting in good faith* is removed.

Additionally, the bill removes provisions stating that a law enforcement officer, or any person whom the officer has summoned or directed to assist him or her, is not justified in the use of force if the arrest or execution of a legal duty is unlawful and known to be unlawful.

The bill amends s. 782.065, F.S., to add manslaughter to the list of crimes that a person must be sentenced to life imprisonment without the eligibility of release upon conviction, if such offense was committed against specified officers<sup>1</sup> *who were acting in the performance of their official duties as described in s. 943.10, F.S.*

The bill also amends s. 784.07(2), F.S., relating to assault or battery on an officer, to specify that such *officer is acting in the performance of his or her official duties*. The bill removes language requiring the officer be engaged in the lawful performance of his or her duties.

---

<sup>1</sup> Specified officers include law enforcement officers, part-time law enforcement officers, auxiliary law enforcement officers, correctional officers, part-time correctional officers, auxiliary correctional officers, correctional probation officers, part-time correctional probation officers, or auxiliary correctional probation officers, as those terms are defined in ss. 782.065 and 943.10, F.S.

Additionally, the bill provides the duties and responsibilities of such positions are described in s. 943.10, F.S.

The bill amends s. 843.01(1), F.S., relating to resisting, obstructing, or opposing an officer with violence, to specify that such officer is acting in the performance of his or her official duties as described in s. 943.10, F.S. The bill removes language requiring an officer be engaged in the lawful performance of his or her duties.

The bill may have a positive indeterminate prison bed impact (unquantifiable increase in prison beds) on the Department of Corrections. See Section V. Fiscal Impact Statement.

The bill takes effect on October 1, 2025.

## II. Present Situation:

Officer Jason Raynor was a dedicated member of the Daytona Beach Police Officer who was shot by Othal Wallace during questioning on June 23, 2021, and succumbed to his injuries on August 21, 2021.<sup>2</sup> Officer Raynor joined the Daytona Beach police Department in February 2019 after previously serving with the Port Orange Police Department. While employed at the Port Orange Police Department, he received an award of achievement in December 2018 for heroically rescuing a citizen attempting to jump from a bridge.<sup>3</sup>

A “Law enforcement officer” is any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The term includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. The term also includes a special officer employed by a Class I, Class II, or Class III railroad pursuant to s. 354.01, F.S.<sup>4</sup>

### Use of Force or Threatened Use of Force

Section 776.012, F.S., provides that a person is justified in using or threatening to use force, except deadly force, against another when and to the extent that the person reasonably believes that such conduct is necessary to defend himself or herself or another against the other’s imminent use of unlawful force. A person who uses or threatens to use force in accordance with this subsection does not have a duty to retreat before using or threatening to use such force.<sup>5</sup>

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<sup>2</sup> The Daytona Beach News-Journal, *Daytona Beach Police Officer Jason Raynor dies 55 days after he was shot while on patrol*, Frank Fernandez, August 19, 2021, available at <https://www.news-journalonline.com/story/news/2021/08/17/daytona-beach-police-officer-jayson-raynor-dies-othal-wallace/8174227002/> (last visited February 6, 2025).

<sup>3</sup> [WFTV9, Heart of gold’: Who is Jason Raynor, the Daytona Beach police officer shot in the head?](https://www.wftv.com/news/local/volusia-county/heart-gold-who-is-jason-raynor-daytona-beach-police-officer-shot-head/XUDRYZFUDDCBFVLNZR4SAYD24/), available at <https://www.wftv.com/news/local/volusia-county/heart-gold-who-is-jason-raynor-daytona-beach-police-officer-shot-head/XUDRYZFUDDCBFVLNZR4SAYD24/> (last visited February 6, 2025).

<sup>4</sup> Section 943.10(1), F.S.

<sup>5</sup> Section 776.012(1), F.S.

Additionally, a person is justified in using or threatening to use deadly force if he or she reasonably believes that using or threatening to use such force is necessary to prevent imminent death or great bodily harm to himself or herself or another or to prevent the imminent commission of a forcible felony. A person who uses or threatens to use deadly force in accordance with this subsection does not have a duty to retreat and has the right to stand his or her ground if the person using or threatening to use the deadly force is not engaged in a criminal activity and is in a place where he or she has a right to be.<sup>6</sup>

Section 776.051, F.S., provides that a person is not justified in the use or threatened use of force to resist an arrest by a law enforcement officer, or to resist a law enforcement officer who is engaged in the execution of a legal duty, if the law enforcement officer was acting in good faith and he or she is known, or reasonably appears, to be a law enforcement officer.<sup>7</sup>

A law enforcement officer, or any person whom the officer has summoned or directed to assist him or her, is not justified in the use of force if the arrest or execution of a legal duty is unlawful and known by him or her to be unlawful.<sup>8</sup>

Courts have found that ss. 776.012 and 776.051, F.S. (1974), were both enacted as a part of the same act.<sup>9</sup> Statutes that are a part of a single act must be read in *pari materia*.<sup>10</sup> The effect of reading these statutes in *pari materia* is to permit an individual to defend himself against unlawful or excessive force, even when being arrested.<sup>11</sup> This view is consistent with the position taken by other jurisdictions that have been confronted with questions relating to statutes similar to ss. 776.012, 776.051 and 843.01, F.S.<sup>12</sup>

Chapter 776, Florida Statutes, recognizes principles set forth in the case law of other jurisdictions in that the right of self-defense against the use of excessive force by a police officer is a concept entirely different from resistance to an arrest, lawful or unlawful, by methods of self-help. [citations omitted] The former concept is grounded on the view that a citizen should be able to exercise reasonable resistance to protect life and limb; which cannot be repaired in the courtroom. The latter view is based on the principle that a self-help form of resistance promotes intolerable disorder. Any damage done by an improper arrest can be repaired through the legal processes.

Therefore, self-defense is not “irrelevant” to a prosecution for resisting arrest with violence.<sup>13</sup>

### ***Assault or Battery on Law Enforcement***

Under s. 784.07(2), F.S., a person charged with of an assault or battery, or the attempt to commit such offense upon a law enforcement officer, or other specified persons, must have the offense reclassified as follows:

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<sup>6</sup> Section 776.012(2), F.S.

<sup>7</sup> Section 776.051(1), F.S.

<sup>8</sup> Section 776.051(2), F.S.

<sup>9</sup> See ch. 74-383 L.O.F.

<sup>10</sup> *Ivester v. State*, 398 So. 2d 926 (Fla. 1st DCA 1981), citing *Major v. State*, 180 So.2d 335, 337 (Fla.1965).

<sup>11</sup> *Ivester v. State*, 398 So.2d 926 (Fla. 1981).

<sup>12</sup> *Id.*

<sup>13</sup> *Ivester v. State*, 398 So.2d 926 (Fla. 1981).

- In the case of assault, from a second degree misdemeanor<sup>14</sup> to a first degree misdemeanor.<sup>15</sup>
- In the case of battery, from a first degree misdemeanor to a third degree felony. A person convicted of battery upon a law enforcement officer committed in furtherance of a riot or an aggravated riot prohibited under s. 870.01, F.S., must be sentenced to a minimum term of imprisonment of 6 months.
- In the case of aggravated assault, from a third degree felony<sup>16</sup> to a second degree felony. Any person convicted of aggravated assault upon a law enforcement officer must be sentenced to a minimum term of imprisonment of three years.
- In the case of aggravated battery, from a second degree felony<sup>17</sup> to a first degree felony. Any person convicted of aggravated battery of a law enforcement officer must be sentenced to a minimum term of imprisonment of five years.

The Florida Bar's Florida Standard Criminal Jury Instructions for Assault, Battery, Stalking, Culpable Negligence, And Violation of Injunctions include specific instructions for assault on a law enforcement officer and battery on a law enforcement officer or other specified personnel. The instructions require the *victim* to have been engaged in the lawful performance of his or her duty.<sup>18</sup>

### ***Murder of a Law Enforcement Officer, Correctional Officer, or Probation Officer***

Under s. 782.065, F.S., a person convicted of a murder offense upon a law enforcement officer<sup>19</sup> engaged in the performance of a legal duty, must be sentenced to life imprisonment without eligibility for release. Such murder offenses include:

- Murder in the first degree in violation of s. 782.04(1), F.S., when a death sentence was not imposed;
- Murder in the second or third degree in violation of s. 782.04(2), (3), or (4), F.S.;
- Attempted murder in the first or second degree in violation of s. 782.04(1)(a)1. or (2), F.S.; or
- Attempted felony murder in violation of s. 782.051, F.S.

### ***Resisting Arrest***

Under s. 843.01, F.S., a person who knowingly and willfully resists, obstructs, or opposes specified officers or other persons legally authorized to execute process in the execution of legal

<sup>14</sup> A second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days, as provided in s. 775.082 or s. 775.083, F.S.

<sup>15</sup> A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year. Sections 775.082 and 775.083, F.S.

<sup>16</sup> A third degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

<sup>17</sup> A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine; A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

<sup>18</sup> Florida Standard Jury Instruction 8.10 and 8.11 (Crim).

<sup>19</sup> Section 782.065(2), F.S., includes a law enforcement officer, part-time law enforcement officer, auxiliary law enforcement officer, correctional officer, part-time correctional officer, auxiliary correctional officer, correctional probation officer, part-time correctional probation officer, or auxiliary correctional probation officer, as those terms are defined in s. 943.10, F.S., engaged in the lawful performance of a legal duty.

process or in the lawful execution of any legal duty, by offering or doing violence to the person of such officer or legally authorized person, commits a third degree felony.<sup>20</sup>

Officers specified in s. 843.01, F.S., include:

- Law enforcement officer, correctional officer, correctional probation officer, part-time law enforcement officer, part-time correctional officer or auxiliary law enforcement officer;<sup>21</sup>
- Members of the Florida Commission on Offender Review or any administrative aide or supervisor employed by the commission;
- Parole and probation supervisors;
- County probation officers; or
- Personnel or representatives of the Department of Law Enforcement.

The Florida Bar's Florida Standard Criminal Jury Instructions for Obstruction of Justice, resisting an officer with violence provides a special instruction incorporating s. 776.051(1), F.S. should be given when the defendant is charged with resisting an arrest by a law enforcement officer or with resisting a law enforcement officer and the defense claims the officer was acting unlawfully.<sup>22</sup> A special instruction for juries incorporating instructions for justifiable use of deadly force should be given when the defense claims that the defendant was justified in using or threatening to use deadly force if he or she reasonably believed that such force was necessary to prevent imminent death or bodily harm.<sup>23</sup>

### III. Effect of Proposed Changes:

The bill is named the Jason Raynor Act and is named after Officer Jason Raynor of the Daytona Beach Police Department who was shot during a confrontation in 2021 and later succumbed to his injuries.

The bill amends s. 776.051, F.S., to revise language to expand law enforcement officers' protection from citizens' use or threatened use of force during an arrest or detention. The bill prohibits a person from using or threatening to use force to resist *a lawful or an unlawful arrest or detention*, or resisting an officer *acting in the performance of his or her legal duties as described in s. 943.10(1)*, F.S., if he or she is known, or reasonably appears, to be a law enforcement officer.

Language requiring that an officer must *be engaged in the execution of a legal duty, if the law enforcement officer was acting in good faith*, is removed.

Additionally the bill removes provisions stating that a law enforcement officer, or any person whom the officer has summoned or directed to assist him or her, is not justified in the use of force if the arrest or execution of a legal duty is unlawful and known to be unlawful.

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<sup>20</sup> Section 843.01, F.S.

<sup>21</sup> Section 943.10(1), (2), (3), (6), (7), (8), or (9), F.S.

<sup>22</sup> Florida Standard Jury Instruction 8.13 (Crim).

<sup>23</sup> Florida Standard Jury Instruction 3.6f (Crim).

The bill amends s. 782.065, F.S., to add manslaughter to the list of crimes that a person must be sentenced to life imprisonment without the eligibility of release upon conviction, if such offense was committed against specified officers<sup>24</sup> *who were acting in the performance of their official duties as described in s. 943.10, F.S.*

The bill also amends s. 784.07(2), F.S., relating to assault or battery on an officer, to specify that such *officer is acting in the performance of his or her official duties*. The bill removes language requiring the officer be engaged in the lawful performance of his or her duties.

Additionally, the bill provides the duties and responsibilities of such positions are described in s. 943.10, F.S.

The bill amends s. 843.01(1), F.S., relating to resisting, obstructing, or opposing an officer with violence, to specify that such officer is acting in the performance of his or her official duties as described in s. 943.10, F.S. The bill removes language requiring an officer be engaged in the lawful performance of his or her duties.

The bill takes effect on October 1, 2025.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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<sup>24</sup> Specified officers include law enforcement officers, part-time law enforcement officers, auxiliary law enforcement officers, correctional officers, part-time correctional officers, auxiliary correctional officers, correctional probation officers, part-time correctional probation officers, or auxiliary correctional probation officers, as those terms are defined in ss. 782.065. and 943.10, F.S.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The Legislature's Office of Economic and Demographic Research (EDR) and the Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has determined that the bill may have a positive indeterminate prison bed impact (unquantifiable increase in prison beds) on the Department of Corrections (DOC). The EDR provides the following additional information regarding its estimate:

Per the DOC, in FY 23-24, there were 5 new commitments to prison under s. 782.065, F.S., 389 new commitments to prison under s. 784.07, F.S., and 189 new commitments to prison under s. 843.01, F.S. There were two new commitments to prison for manslaughter of law enforcement officers, correctional officers, correctional probation officers, or other first responders (s. 782.07, F.S.). Both ss. 782.07, F.S. and 784.07, F.S. include other specified personnel, so it is not known how many of these offenses involve the respective positions listed under s. 943.10, F.S. Furthermore, it is not known how the removal of police acting lawfully would impact the prison population.<sup>25</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill language specifies that the duties of a law enforcement officer are provided in s. 943.10(1), F.S., however that reference provides a definition only and may not be inclusive of all duties.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 776.051, 782.065, 784.07, and 843.01.

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<sup>25</sup> Office of Economic and Demographic Research, *SB 234 - Criminal Offenses Against Law Enforcement Officers and Other Personnel*, (on file with the Senate Committee on Criminal Justice).

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Leek

7-00650-25

2025234\_\_

A bill to be entitled

An act relating to criminal offenses against law enforcement officers and other personnel; providing a short title; amending s. 776.051, F.S.; revising a prohibition on the use or threatened use of force to resist arrest or detention; amending s. 782.065, F.S.; providing for enhanced punishment for manslaughter when committed against specified officers; revising applicability; amending s. 784.07, F.S.; revising the definition of the term "law enforcement officer"; revising provisions concerning assault or battery upon specified officers and other personnel; amending s. 843.01, F.S.; revising a provision concerning resisting, obstructing, or opposing specified officers or legally authorized persons; providing an effective date.

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

Section 1. This act may be cited as the "Officer Jason Raynor Act."

Section 2. Section 776.051, Florida Statutes, is amended to read:

776.051 Use or threatened use of force in resisting arrest or detention ~~making an arrest or in the execution of a legal duty~~; prohibition.-

~~(1)~~ A person is not justified in the use or threatened use of force to resist a lawful or an unlawful ~~an~~ arrest or detention by a law enforcement officer, or to resist a law

Page 1 of 6

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

7-00650-25

2025234\_\_

enforcement officer acting in the performance of his or her official duties as described in s. 943.10(1), ~~if who is engaged in the execution of a legal duty, if the law enforcement officer was acting in good faith and~~ he or she is known, or reasonably appears, to be a law enforcement officer.

~~(2) A law enforcement officer, or any person whom the officer has summoned or directed to assist him or her, is not justified in the use of force if the arrest or execution of a legal duty is unlawful and known by him or her to be unlawful.~~

Section 3. Section 782.065, Florida Statutes, is amended to read:

782.065 Murder; law enforcement officer, correctional officer, correctional probation officer.-Notwithstanding ss. 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant must shall be sentenced to life imprisonment without eligibility for release upon findings by the trier of fact that, beyond a reasonable doubt:

(1) The defendant committed murder in the first degree in violation of s. 782.04(1) and a death sentence was not imposed; murder in the second or third degree in violation of s. 782.04(2), (3), or (4); attempted murder in the first or second degree in violation of s. 782.04(1)(a)1. or (2); ~~or~~ attempted felony murder in violation of s. 782.051; or manslaughter in violation of s. 782.07(1); and

(2) The victim of any offense described in subsection (1) was a law enforcement officer, part-time law enforcement officer, auxiliary law enforcement officer, correctional officer, part-time correctional officer, auxiliary correctional officer, correctional probation officer, part-time correctional

Page 2 of 6

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7-00650-25 2025234

59 probation officer, or auxiliary correctional probation officer,  
 60 as those terms are defined in s. 943.10, who was acting in the  
 61 performance of his or her official duties as described in s.  
 62 943.10 engaged in the lawful performance of a legal duty.

63 Section 4. Paragraph (e) of subsection (1) and subsection  
 64 (2) of section 784.07, Florida Statutes, are amended to read:

65 784.07 Assault or battery of law enforcement officers and  
 66 other specified personnel; reclassification of offenses; minimum  
 67 sentences.-

68 (1) As used in this section, the term:

69 (e) "Law enforcement officer" includes a law enforcement  
 70 officer, a correctional officer, a correctional probation  
 71 officer, a part-time law enforcement officer, a part-time  
 72 correctional officer, an auxiliary law enforcement officer, and  
 73 an auxiliary correctional officer, as those terms are  
 74 respectively defined in s. 943.10, and any county probation  
 75 officer; an employee or agent of the Department of Corrections  
 76 who supervises or provides services to inmates; an officer of  
 77 the Florida Commission on Offender Review; a federal law  
 78 enforcement officer as defined in s. 901.1505; and law  
 79 enforcement personnel of the Fish and Wildlife Conservation  
 80 Commission, the Department of Environmental Protection, or the  
 81 Department of Law Enforcement. The duties and responsibilities  
 82 of these respective positions are described in s. 943.10.

83 (2) Whenever any person is charged with knowingly  
 84 committing an assault or battery upon a law enforcement officer,  
 85 a firefighter, an emergency medical care provider, hospital  
 86 personnel, a railroad special officer, a traffic accident  
 87 investigation officer as described in s. 316.640, a nonsworn law

Page 3 of 6

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7-00650-25 2025234

88 enforcement agency employee who is certified as an agency  
 89 inspector, a blood alcohol analyst, or a breath test operator  
 90 while such employee is in uniform and engaged in processing,  
 91 testing, evaluating, analyzing, or transporting a person who is  
 92 detained or under arrest for DUI, a law enforcement explorer, a  
 93 traffic infraction enforcement officer as described in s.  
 94 316.640, a parking enforcement specialist as defined in s.  
 95 316.640, a person licensed as a security officer as defined in  
 96 s. 493.6101 and wearing a uniform that bears at least one patch  
 97 or emblem that is visible at all times that clearly identifies  
 98 the employing agency and that clearly identifies the person as a  
 99 licensed security officer, or a security officer employed by the  
 100 board of trustees of a community college, while the officer,  
 101 firefighter, emergency medical care provider, hospital  
 102 personnel, railroad special officer, traffic accident  
 103 investigation officer, traffic infraction enforcement officer,  
 104 inspector, analyst, operator, law enforcement explorer, parking  
 105 enforcement specialist, public transit employee or agent, or  
 106 security officer who is acting in the performance of his or her  
 107 official duties ~~is engaged in the lawful performance of his or~~  
 108 ~~her duties~~, the offense for which the person is charged shall be  
 109 reclassified as follows:

110 (a) In the case of assault, from a misdemeanor of the  
 111 second degree to a misdemeanor of the first degree.

112 (b) In the case of battery, from a misdemeanor of the first  
 113 degree to a felony of the third degree. Notwithstanding any  
 114 other provision of law, a person convicted of battery upon a law  
 115 enforcement officer committed in furtherance of a riot or an  
 116 aggravated riot prohibited under s. 870.01 shall be sentenced to

Page 4 of 6

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7-00650-25 2025234\_\_

117 a minimum term of imprisonment of 6 months.

118 (c) In the case of aggravated assault, from a felony of the  
 119 third degree to a felony of the second degree. Notwithstanding  
 120 any other provision of law, any person convicted of aggravated  
 121 assault upon a law enforcement officer shall be sentenced to a  
 122 minimum term of imprisonment of 3 years.

123 (d) In the case of aggravated battery, from a felony of the  
 124 second degree to a felony of the first degree. Notwithstanding  
 125 any other provision of law, any person convicted of aggravated  
 126 battery of a law enforcement officer shall be sentenced to a  
 127 minimum term of imprisonment of 5 years.

128 Section 5. Subsection (1) of section 843.01, Florida  
 129 Statutes, is amended to read:

130 843.01 Resisting, obstructing, or opposing by offering or  
 131 doing violence to legally authorized person, police canine, or  
 132 police horse.-

133 (1) Whoever knowingly and willfully resists, obstructs, or  
 134 opposes any officer as defined in s. 943.10(1), (2), (3), (6),  
 135 (7), (8), or (9); member of the Florida Commission on Offender  
 136 Review or any administrative aide or supervisor employed by the  
 137 commission; parole and probation supervisor; county probation  
 138 officer; personnel or representative of the Department of Law  
 139 Enforcement; or other person legally authorized to execute  
 140 process in the execution of legal process or acting in the  
 141 performance of his or her official duties as described in s.  
 142 943.10 in the lawful execution of any legal duty, by offering or  
 143 doing violence to the person of such officer or legally  
 144 authorized person, commits a felony of the third degree,  
 145 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Page 5 of 6

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7-00650-25 2025234\_\_

146 Section 6. This act shall take effect October 1, 2025.

Page 6 of 6

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# APPEARANCE RECORD

3/20/25

Meeting Date

234

Bill Number or Topic

FISCAL POLICY  
Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name WILLIAM B. SMITH

Phone 305-333-4344

Address 300 E BREVARD ST  
Street

Email WSMITH@FLPBA.ORG

TALLAHASSEE FL 32301  
City State Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL PBA

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

SB 234

MAR 20 2025

Meeting Date

Bill Number or Topic

FISCAL POLICY

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name JIM SNIFFEN - FRATERNAL ORDER OF POLICE

Phone 561 965 722

Address 242 OFFICE PLAZA DR
Street

Email J.SNIFFEN@FLORIDAPOP.COM

TALAHASSEE
City

FL
State

32404
Zip

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [x] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

[x] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

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3/20/25

Meeting Date

FP

Committee

234

Bill Number or Topic

Amendment Barcode (if applicable)

Name

AARON WAYT

Phone

(407) 435-3194

FL ASSN OF CRIMINAL DEF LAWYERS

Address

Street

TLH

FL

Email

City

State

Zip

Speaking:

For



Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:



I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Fiscal Policy

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BILL: CS/SB 274

INTRODUCER: Fiscal Policy Committee and Senator Arrington

SUBJECT: Transportation Facility Designations

DATE: March 20, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Vickers</u>	<u>TR</u>	<b>Favorable</b>
2.	<u>Nortelus</u>	<u>Nortelus</u>	<u>ATD</u>	<b>Favorable</b>
3.	<u>Johnson</u>	<u>Siples</u>	<u>FP</u>	<b>Fav/CS</b>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 274 designates “Geraldine Thompson Way” and “Harris Rosen Way” in Orange County and directs the Florida Department of Transportation (FDOT) to erect suitable markers for each of these designations.

The estimated cost to the FDOT to install the designation markers is \$4,800. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2025.

**II. Present Situation:**

Section 334.071, F.S., provides that legislative designations of transportation facilities are for honorary or memorial purposes or to distinguish a particular facility. Such designations are not to be construed as requiring any action by local governments or private parties regarding the changing of any street signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes.<sup>1</sup>

When the Legislature establishes road or bridge designations, the FDOT is required to place markers only at the termini specified for each highway segment or bridge designated by the law

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<sup>1</sup> Section 334.071(1), F.S.

creating the designation and to erect any other markers it deems appropriate for the transportation facility.<sup>2</sup>

The FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, each affected local government must pass resolutions supporting the designations before the installation of the markers.<sup>3</sup>

### III. Effect of Proposed Changes:

The bill creates an undesignated section of Florida law;

**Subsection 1** designates that portion of W. South Street between South Division Avenue and U.S. 441 in Orange County as “Geraldine Thompson Way.”

Senator Geraldine Thompson served as a teacher, advocate, and college administrator. She was also instrumental in the establishment of the Wells’ Built Museum of African American History and Culture and served as chair of the Florida Museum of Black History’s Task Force. Senator Thompson served in the Florida House of Representatives from 2006 to 2012 and from 2018 to 2022. She served in the Florida Senate from 2012 to 2016 and from 2022 until her passing. Senator Thompson passed away on February 13, 2025.<sup>4</sup>

**Subsection 2** designates that portion of International Drive between S.R. 528 and Sand Lake Road in Orange County as “Harris Rosen Way.”

Harris Rosen was the founder, President, and Chief Operating Officer of Rosen Hotels and Resorts, a company operating seven Orlando-area hotels. Mr. Rosen created programs to provide free preschool to children in underserved communities, was instrumental in the founding of the Rosen College of Hospitality Management at the University of Central Florida and was involved in other philanthropic efforts. Mr. Rosen passed away on November 25, 2024.<sup>5</sup>

**Subsection 3** directs the FDOT to erect suitable markers for each of the above designations.

The bill takes effect July 1, 2025.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

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<sup>2</sup> Section 334.071(2), F.S.

<sup>3</sup> Section 334.071(3), F.S.

<sup>4</sup> Senator Geraldine F. Thompson Obituary, <https://mitchellsfuneralhome.com/obituary/senator-geraldine-f-thompson> (last visited March 20, 2025).

<sup>5</sup> *Harris Rosen – Founder, Rosen Hotels & Resorts*, <https://www.rosenhoteles.com/leadership/harris-rosen/> (last visited February 25, 2025).

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The estimated cost to erect the designation markers required under this bill is \$4,800, based on the assumption that a minimum of two markers are required at a cost to the FDOT of no less than \$1,200 each. The estimate includes labor, materials, manufacturing, and installation.<sup>6</sup> The FDOT is expected to absorb the estimated cost within existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The proposed designations for Geraldine Thompson Way and Harris Rosen Way are not located on the State Highway System.

**VIII. Statutes Affected:**

The bill creates an undesignated section of Florida law.

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<sup>6</sup> E-mail from Jack Rogers, FDOT Legislative Affairs Director, *RE: Transportation Facility Designation Costs*, December 9, 2024. (On file with Senate Committee on Transportation).

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Fiscal Policy on March 20, 2025:**

Designates Geraldine Thompson Way in Orange County and directs FDOT to erect suitable markers.

- B. **Amendments:**

None.



142900

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2025	.	
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The Committee on Fiscal Policy (Arrington) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 10 - 17

and insert:

Section 1. Transportation facility designations; Department of Transportation to erect suitable markers.-

(1) That portion of W. South Street between South Division Avenue and U.S. 441 in Orange County is designated as "Geraldine Thompson Way."

(2) That portion of International Drive between S.R. 528



142900

11 and Sand Lake Road in Orange County is designated as "Harris  
12 Rosen Way."

13 (3) The Department of Transportation is directed to erect  
14 suitable markers designating the transportation facilities as  
15 described in this section.

16  
17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 Delete lines 3 - 4

20 and insert:

21 designations; providing honorary designations of  
22 certain transportation facilities in a specified  
23 county;

By Senator Arrington

25-00871-25

2025274\_\_

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A bill to be entitled

An act relating to transportation facility designations; providing an honorary designation of a certain transportation facility in a specified county; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Section 1. Harris Rosen Way designated; Department of Transportation to erect suitable markers.-

(1) That portion of International Drive between S.R. 528 and Sand Lake Road in Orange County is designated as "Harris Rosen Way."

(2) The Department of Transportation is directed to erect suitable markers designating Harris Rosen Way as described in subsection (1).

Section 2. This act shall take effect July 1, 2025.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Fiscal Policy

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BILL: CS/CS/SB 296

INTRODUCER: Fiscal Policy Committee; Education Pre-K - 12 Committee; and Senator Bradley and others

SUBJECT: Middle School and High School Start Times

DATE: March 21, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sabitsch</u>	<u>Bouck</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Gray</u>	<u>Elwell</u>	<u>AED</u>	<u>Favorable</u>
3.	<u>Sabitsch</u>	<u>Siples</u>	<u>FP</u>	<u>Fav/CS</u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 296 allows school districts and charter schools to meet the statutory requirement that by July 1, 2026, the instructional day at all district and charter middle schools may not start before 8 a.m. and high schools may not start before 8:30 a.m. by submitting a report to the Department of Education by June 1, 2026, that includes specific information.

This bill does not have a fiscal impact on state revenues or expenditures. However, some school districts will likely avoid a significant negative fiscal impact by not having to implement the school start time requirements beginning in the 2026-2027 school year. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2025.

**II. Present Situation:**

**District School Boards**

Each district school board is responsible for the establishment, organization, and operation of schools in the district's geographic area. Each district school board is required to adopt policies

for the opening and closing of schools within the district, however the opening date of schools may not be earlier than August 10th of each year.<sup>1</sup>

In 2023<sup>2</sup> district school boards were required to set specified start times for middle and high schools, with implementation required by July 1, 2026. After that date, middle schools cannot begin the instructional day before 8 a.m., and high schools cannot start before 8:30 a.m. Additionally, district school boards must inform their communities about the health, safety and academic impacts of sleep deprivation on middle and high school students. The law also requires district school boards to discuss local strategies for implementing the later school start times.<sup>3</sup> State Board of Education (SBE) rule requires that district school board policy must ensure that no more than one and one-half hours will elapse between the time a student boards a district operated bus and the start of the school day.<sup>4</sup>

### **Charter Schools**

Charter schools are tuition-free public schools established through an agreement or "charter" typically between the school and the local district school board. This agreement grants the charter school a degree of flexibility compared to traditional public schools in exchange for a commitment to higher standards of accountability. All charter schools in Florida are public schools and are part of the state's public education system. During the 2022-2023 school year, 382,367 students were enrolled in 726 charter schools across 46 districts.<sup>5</sup> Charter schools are granted exemptions from certain operational requirements related to facilities, administration, and finance. However, charter schools must comply with statutory requirements specified in law, including the requirements for middle and high school start times.<sup>6</sup>

### **School Start Times in Florida**

According to the Office of Program Policy Analysis and Government Accountability (OPPAGA), the average start time for all Florida high schools (541 schools) is 7:45 a.m. Forty-six percent of high schools start before 7:30 a.m., and 19 percent of high schools start between 7:30 a.m. and 8:00 a.m. There were 49 Florida school districts with at least one high school that started before 8:00 a.m. and of those, 22 districts had at least one high school that started before 7:30 a.m. For Florida middle schools (490 schools) the average start time is 9:03 a.m., with only eight percent of schools starting prior to 8:00 a.m.<sup>7</sup>

OPPAGA requested specific information from twelve districts that had either changed or were considering changing school start times to determine motivations and barriers. Eight of those school districts had recently changed some or all school start times while four school districts

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<sup>1</sup> Section 1001.42(4), F.S.

<sup>2</sup> Ch. 2023-78, Laws of Fla.

<sup>3</sup> Section 1001.42(4)(f), F.S.

<sup>4</sup> Rule 6A-3.0171(6), F.A.C.

<sup>5</sup> Florida Department of Education, Office of Independent Education & Parental Choice, *Fact Sheet Florida's Charter Schools* (October 2023), available at <https://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2022.pdf> at 1 (last visited Mar. 5, 2025).

<sup>6</sup> Section 1002.33(16), F.S.

<sup>7</sup> Email, OPPAGA Report: *OPPAGA Research on School Start Times*, (Mar. 13, 2023) (on file with the Senate Committee on Education Pre-K-12).

had considered changes to start time but did not make changes. Reported motivations among the respondents included:

- Transportation issues to improve on-time bus schedules, address driver shortages, reduce transit times, comply with Center for Disease Control (CDC) social distancing recommendations, and improve operational efficiencies.
- Student health and safety issues to improve general student health and to address the health needs of high school students, in particular.
- Student learning issues to promote student academic achievement, increase learning time lost due to weather-related closures, and increase the length of the elementary school day.<sup>8</sup>

Reported barriers that were confronted when considering start time changes included:

- Childcare and student supervision issues concerning care for siblings, childcare arrangements, limited school staff and concerns about child safety in dawn/pre-dawn hours.
- After-school activities issues concerning afterschool employment for high school students, effects on extended day programs, and the ability to attend afterschool activities.
- Transportation issues concerning the costs of adding bus routes and buses, rising bus driver wages and limited bus drivers, and capital funding issues.<sup>9</sup>

### **Current Responses to Start Time Legislation**

In response to the 2023 legislation that prescribed start times for middle schools and high schools, Florida school districts have already taken actionable steps to meet the requirements. Additionally, \$5 million was appropriated to assist school districts and charter schools in implementing the requirements. Possible uses for funding included:

- Development of plans.
- Transportation.
- Instructional planning.
- Other school-related resources.<sup>10</sup>

The DOE is required to provide a report to the Legislature before January 1, 2026, documenting the grant awards and their total expenditures as well as the effect of later start times on student and school performance, truancy, absenteeism, tardiness, drop-out rates, and mental and behavioral health.<sup>11</sup>

Information gathered from several informal surveys of Florida school districts revealed a mixture of:

- Districts that have not begun the process of changing start times or are waiting to see if there are legislative changes.
- Districts that are at the beginning stages of planning and discussing the needed changes with their communities.

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<sup>8</sup> *Id.*

<sup>9</sup> Email, OPPAGA Report: *OPPAGA Research on School Start Times*, (Mar. 13, 2023) (on file with the Senate Committee on Education Pre-K-12).

<sup>10</sup> Specific Appropriation 96, Ch. 2023-239, L.O.F.

<sup>11</sup> *Id.*

- Districts that have taken active steps toward changing start times by conducting cost analyses, purchasing new software, and evaluating transportation needs.
- Districts that either were already in compliance with the new start times or have already made the adjustments and are now in compliance with the law regarding middle school and high school start times.<sup>12</sup>

Specific comments provided through the surveys included:

“We have analyzed the impact of the change on our ability to serve students and have found that it would be cost prohibitive to do so in terms of both personnel and the number of school buses needed.”

“The district created a working group to help identify how internal and external stakeholders will be affected. The working group aimed to determine the operations changes and financial impacts. All board members have been briefed, and a work session has been scheduled to discuss the next steps.”

“The major obstacle for our district is school transportation and lack of supervision of students in the afternoon. As it stands now, our school start times would need to flip, meaning many of our youngest students who live in the most rural areas will be outside in the darkness waiting on the bus.”

“Disrupted Schedules for parents - Later start time can disrupt schedules for parents who work traditional hours.”

“Pushing back start times will either push back after school activity times, therefore causing students to go to bed later OR if after school activity times stay the same, students will miss additional class time due to being checked out early to participate in after school activities.”

“The new start times could force a two-tier transportation schedule which doubles the salary, wear and tear of the school buses and consumables such as fuel and DEF fluid”

“Currently, the same school bus driver completes a full middle and high school route and then completes a full elementary school route. With the proposed start time change, double the current number of bus drivers will be required to complete the routes at the same time. With the current challenges and severe shortage of school bus drivers, this presents a virtually insurmountable barrier from an operational standpoint.”

### **III. Effect of Proposed Changes:**

CS/CS/SB 296 amends sections 1011.42 and 1002.33, F.S., to allow school districts and charter schools to meet the statutory requirement that by July 1, 2026, the instructional day at all district and charter middle schools may not start before 8 a.m. and high schools may not start before

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<sup>12</sup> Emails, Small District Council Consortium and Florida Association of School District Superintendents, (Feb. 25, 2025) (on file with the Senate Committee on Education Pre-K-12).

8:30 a.m. by submitting a report to the Department of Education by June 1, 2026. The report must include:

- The start times of elementary, middle, and high schools in the district.
- Specified documentation of strategies that were considered to implement the later school start times for middle schools and high schools including information about board meetings, public hearing and opportunities for parental input on the implementation strategies.
- A description of the impact of implementing the start time requirements including the financial impact on the school district.
- Identification of unintended consequences to the school district, students and the community resulting from the start time requirements.

The bill takes effect on July 1, 2025.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. **Government Sector Impact:**

This bill does not have a fiscal impact on state revenues or expenditures. However, some school districts will likely avoid a significant negative fiscal impact by not having to implement the school start time requirements beginning in the 2026-2027 school year.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends sections 1001.42 and 1002.33 of the Florida Statutes.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS/CS by Fiscal Policy on March 20, 2025:**

The committee substitute restores current law that requires specific middle school and high school start times and the date by which those times must be implemented by school districts and charter schools, as well as the requirement for each district school board to discuss implementation strategies.

The committee substitute allows a school district or charter school to meet the statutory requirement by submitting a report by June 1, 2026, to the Department of Education that includes school start times, implementation strategies and public hearings, and the impacts and unintended consequences of implementation.

**CS by Education Pre-K – 12 on March 3, 2025:**

The committee substitute maintains from the bill the repeal of specific middle school and high school start times and the date by which those times must be implemented.

However, the amendment restores current law that requires each district school board and charter school to inform its community about issues related to sleep deprivation and school start times and consider the benefits of later start times when adopting middle and high school start times.

B. **Amendments:**

None.



555368

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2025	.	
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The Committee on Fiscal Policy (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 28 - 38

and insert:

2. By July 1, 2026, the instructional day for middle schools may not begin earlier than 8 a.m. and the instructional day for high schools may not begin earlier than 8:30 a.m. Each district school board must inform its community, including parents, students, teachers, school administrators, athletic coaches, and other stakeholders, about the health, safety, and



555368

11 academic impacts of sleep deprivation on middle school and high  
12 school students and the benefits of a later school start time  
13 and discuss local strategies to successfully implement the later  
14 school start times.

15 3. A district school board shall be deemed in compliance  
16 with the requirements of subparagraph 2. if the district school  
17 board submits to the department, by June 1, 2026, a report, in a  
18 format prescribed by the department, that includes, at a  
19 minimum, all of the following:

20 a. The start times of elementary, middle, and high schools  
21 in the school district.

22 b. Documentation of strategies considered to implement a  
23 later school start time for middle schools and high schools  
24 within the school district, including the number of board  
25 meetings, public hearings, and opportunities for parent input to  
26 discuss the strategies.

27 c. A description of the impact of implementing the school  
28 start time requirements in subparagraph 2., including the  
29 financial impact for the school district.

30 d. Identified unintended consequences to the school  
31 district, students, and the community by implementing the school  
32 start time requirements in subparagraph 2.

33 Section 2. Paragraph (b) of subsection (16) of section  
34 1002.33, Florida Statutes, is amended to read:

35 1002.33 Charter schools.—

36 (16) EXEMPTION FROM STATUTES.—

37 (b) Additionally, a charter school shall be in compliance  
38 with the following statutes:

39 1. Section 286.011, relating to public meetings and



555368

40 records, public inspection, and criminal and civil penalties.  
41       2. Chapter 119, relating to public records.  
42       3. Section 1003.03, relating to the maximum class size,  
43 except that the calculation for compliance pursuant to s.  
44 1003.03 shall be the average at the school level.  
45       4. Section 1012.22(1)(c), relating to compensation and  
46 salary schedules.  
47       5. Section 1012.33(5), relating to workforce reductions.  
48       6. Section 1012.335, relating to contracts with  
49 instructional personnel hired on or after July 1, 2011.  
50       7. Section 1012.34, relating to the substantive  
51 requirements for performance evaluations for instructional  
52 personnel and school administrators.  
53       8. Section 1006.12, relating to safe-school officers.  
54       9. Section 1006.07(7), relating to threat management teams.  
55       10. Section 1006.07(9), relating to School Environmental  
56 Safety Incident Reporting.  
57       11. Section 1006.07(10), relating to reporting of  
58 involuntary examinations.  
59       12. Section 1006.1493, relating to the Florida Safe Schools  
60 Assessment Tool.  
61       13. Section 1006.07(6)(d), relating to adopting an active  
62 assailant response plan.  
63       14. Section 943.082(4)(b), relating to the mobile  
64 suspicious activity reporting tool.  
65       15. Section 1012.584, relating to youth mental health  
66 awareness and assistance training.  
67       16. Section 1001.42(4)(f)2., relating to middle school and  
68 high school start times, unless the governing board has



555368

69 submitted a report to the department pursuant to s.  
70 1001.42(4)(f)3. A charter school-in-the-workplace is exempt from  
71 this requirement.

72  
73 ===== T I T L E A M E N D M E N T =====

74 And the title is amended as follows:

75 Delete lines 3 - 8

76 and insert:

77 times; amending ss. 1001.42 and 1002.33, F.S.;

78 providing that district school boards and charter

79 schools are in compliance with certain provisions

80 relating to middle school and high school start times

81 upon submission of a specified report to the

82 Department of Education; providing

By the Committee on Education Pre-K - 12; and Senators Bradley,  
Yarborough, and Davis

581-02107-25

2025296c1

1 A bill to be entitled  
2 An act relating to middle school and high school start  
3 times; amending s. 1001.42, F.S.; deleting a  
4 requirement that middle schools and high schools start  
5 by specified times beginning in a certain year;  
6 requiring district school boards to consider certain  
7 benefits relating to school start times when adopting  
8 middle school and high school start times; providing  
9 an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:  
12

13 Section 1. Paragraph (f) of subsection (4) of section  
14 1001.42, Florida Statutes, is amended to read:

15 1001.42 Powers and duties of district school board.—The  
16 district school board, acting as a board, shall exercise all  
17 powers and perform all duties listed below:

18 (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.—  
19 Adopt and provide for the execution of plans for the  
20 establishment, organization, and operation of the schools of the  
21 district, including, but not limited to, the following:

22 (f) *Opening and closing of schools; fixing uniform date;*  
23 *middle school and high school start times.*—Adopt policies for  
24 the opening and closing of schools, fix uniform dates, and  
25 middle school and high school start times.

26 1. The opening date for schools in the district may not be  
27 earlier than August 10 of each year.

28 2. ~~By July 1, 2026, the instructional day for middle~~  
29 ~~schools may not begin earlier than 8 a.m. and the instructional~~

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

581-02107-25

2025296c1

30 ~~day for high schools may not begin earlier than 8:30 a.m.~~ Each  
31 district school board must inform its community, including  
32 parents, students, teachers, school administrators, athletic  
33 coaches, and other stakeholders, about the health, safety, and  
34 academic impacts of sleep deprivation on middle school and high  
35 school students and consider the benefits of a later school  
36 start time when adopting middle school and high ~~and discuss~~  
37 ~~local strategies to successfully implement the later school~~  
38 start times.

39 Section 2. This act shall take effect July 1, 2025.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

# APPEARANCE RECORD

296

Bill Number or Topic

3-20-25

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Chris Doolin

Phone 850-508-5492

Address 1018 Thomasville Rd 102B

Email

Street

Tall.

Fl.

32303

City

State

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

SMALL SCHOOL DISTRICT COUNCIL CONSORTIUM

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

3/20/25

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

CS/SB 296

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

FISCAL POLICY

Committee

Amendment Barcode (if applicable)

Name John Meeks, Educator

Phone 904-386-0716

Address 3500 UNIVERSITY BLVD N #3301  
Street

Email johnmeeks@bellsouth.net

Jacksonville FLA 32277  
City State Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

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The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

3/20/2025

Meeting Date

SB 0296

Bill Number or Topic

Fiscal

Committee

Amendment Barcode (if applicable)

Name Shaunteal Smith-Florida PTA Phone (407) 855-7604

Address 1747 Orlando Central Parkway Email legislation@floridapta.org

Orlando FL 32809

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [x] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

- [x] I am appearing without compensation or sponsorship. [ ] I am a registered lobbyist, representing: [ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

3/20/25

# The Florida Senate APPEARANCE RECORD

SB 269

Meeting Date

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

FISCAL POLICY

Committee

Amendment Barcode (if applicable)

Name NORWOOD ORRICK

Phone 813 255 3281

Address 1702 E 8TH AV

Email NORWOOD@GMAIL.COM

Street

TAMPA

City

33605

State

Zip

Speaking:  For  Against  Information

**OR**

Waive Speaking:  In Support  Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. § 11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

3-20-25

Meeting Date

Fiscal Policy

Committee

SB 269

Bill Number or Topic

Amendment Barcode (if applicable)

Name Christina Regalado

Phone 813-505-1095

Address 920 E. 22nd Ave

Street

Email chrisregalado@gmail.com

Tampa

City

FL

State

33605

Zip

Speaking:  For  Against  Information

OR

Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/20/25

Meeting Date

SB 0296

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Sally Sluder

Phone (386) 438-7250

Address

Street

Email mrssluder@gmail.com

Lake City

City

FL

State

32024

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

3/20/25

Meeting Date

# The Florida Senate APPEARANCE RECORD

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296

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

ANTHONY RICARDO

Phone

(904) 403-8148

Address

12531 DUNN CREEK RD

Email

RICARDOA@DUALSCHOOLS.ORG  
~~TRIDES~~

Street

JACKSONVILLE

FL

32218

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/20/2025

Meeting Date

296

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name Reginald K. Bount

Phone 910 583-4294

Address 7893 STEANBAY SPRING DRIVE

Email Bbount@duvalschools.org

Street

JACKSONVILLE

City

FL

State

32210

Zip

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [x] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

[ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 296

3/20/2025

Meeting Date

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Melody Bolduc Phone 904-334-8164

Address 10773 Clydesdale Dr.E Email bolducm@cluvabschools.org

Jacksonville FL 32257

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [x] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

- [ ] I am appearing without compensation or sponsorship. [ ] I am a registered lobbyist, representing: [ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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3/20/25  
Meeting Date  
Fiscal Policy  
Committee

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

296  
Bill Number or Topic  
Amendment Barcode (if applicable)

Name Dr. Danielle Thomas Phone 850-414-2578

Address 203 S. Monroe Street Email thomas@fsba.org

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:  
FL School Boards Association

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/20/2025

Meeting Date

Fiscal Policy

Committee

SB 296

Bill Number or Topic

Amendment Barcode (if applicable)

Name Sam Fisher

Phone 239-571-6506

Address 2855 Colonial Blvd

Email samvelj@leeschools.net

Street

Fort Myers

City

FL

State

339166

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Lee County School District, Chairman

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
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3/20/25

Meeting Date

SB 0296

Bill Number or Topic

Fiscal policy

Committee

Amendment Barcode (if applicable)

Name Della Denny-Abbott

Phone 850 449 6061

Address 2111 St Andrews Dr

Email dellaabbott@gmail.com

Street

Cantonment FL 32533

City

State

Zip

Speaking:  For  Against  Information

**OR**

Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

SB 0296

Bill Number or Topic

03/20/25

Meeting Date

FISCAL Policy

Committee

Amendment Barcode (if applicable)

Name Wm. Scott Turner

Phone (727) 808-0850

Address 128 Shore Drive Place

Street

Email Joeskateboard@gmail.com

Oldsmar FL 34677

City

State

Zip

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [X] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

[ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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The Florida Senate

APPEARANCE RECORD

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3-20-2025

Meeting Date

SB 0296

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name LIZA JUANICH

Phone 863-377-0675

Address 3601 Kernan Blvd S

Email l.olbesjuanich@gmail.com

Street

Jacksonville

FL

32224

City

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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0296

Bill Number or Topic

3/19/25

Meeting Date

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name

Sybil Faust

Phone

904-403-6725

Address

3019 Lagney Dr.

Email

sybilfaust66@gmail.com

Street

JAX

City

FL

State

32208

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

APPEARANCE RECORD

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3/19/25

Meeting Date

Fiscal Policy

Committee

296

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Justin Sharpless

Phone

863-412-8986

Address

4832 Avon St.

Street

Email

justin.sharpless@polk-fl.net

Lake Wales

City

FL

State

33859

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

APPEARANCE RECORD

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3/20/25

Meeting Date

SB 0296

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Jessica Mahavay

Phone 561-758-9654

Address 1388 Apple Blossome Lane

Email jessica.stone.2014@gmail.com

Street

West Palm Beach, FL 33415

City

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

APPEARANCE RECORD

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3/20/2025

Meeting Date

Fiscal Policy

Committee

SB 296

Bill Number or Topic

Amendment Barcode (if applicable)

Name Kristina Howlihan

Phone 727-637-6994

Address 2855 Colonial Blvd

Email Kristinah@leeschools.net

Street

Fort Myers

FL

City

State

33966

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Lee County School District

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/20/25

Meeting Date

CS/SB 296

Bill Number or Topic

Fiscal Policy  
Committee

Amendment Barcode (if applicable)

Name Lawrie Lawson Cox Phone 850-766-0678

Address 7373 Ox Bow Circle Email coxL@leonschools.net  
Street

Tallahassee FL 32312  
City State Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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# APPEARANCE RECORD

SB 296

3/20/2025

Meeting Date

Bill Number or Topic

Fiscal Policy  
Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Denise Carlin

Phone 239-961-7625

Address 2855 Colonial Blvd  
Street

Email Superintendent@leeschords.net

Fort Myers  
City

FL  
State

33966  
Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Lee County School District, Superintendent

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

20 March 2025

Meeting Date

SB 296

Bill Number or Topic

FISCAL POLICY

Committee

Amendment Barcode (if applicable)

Name ALLI LIBY-SCHOONOVER

Phone 850-321-4799

Address 119 S MONROE ST, SUITE 200

Email ALS@MHDFIRM.COM

Street

TUH

FL

32301

City

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

SEMINOLE COUNTY PUBLIC SCHOOLS

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

APPEARANCE RECORD

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CS / SB 296  
Bill Number or Topic

Amendment Barcode (if applicable)

3/20/25  
Meeting Date  
FISCAL POLICY  
Committee

Name Tim BRYANT Phone 850-699-1540

Address 5837 Hunting Meadows Dr.  
Street  
Crestview, FL 32536  
City State Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

- I am appearing without compensation or sponsorship.
- I am a registered lobbyist, representing:
- I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

The Florida Senate

**APPEARANCE RECORD**

SB 296

3/20/25

Meeting Date

Bill Number or Topic

Fiscal Policy

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name **Stephanie Kunkel**

Phone **850-320-4208**

Address **213 S Adams Street**

Email **Stephanie.Kunkel@floridaea.org**

Street

**Tallahassee**

**FL**

**32301**

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

**Florida Education Association**

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. § 11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

CS/SB 296  
Bill Number or Topic

3/20/2025  
Meeting Date

Deliver both copies of this form to  
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Fiscal Policy  
Committee

Amendment Barcode (if applicable)

Name Eddie Hand, Walkulla County School Board Member Phone 850-272-0304

Address 169 Martin Farms Rd Email edward.hand@wescb.us  
Street

Crawfordville, FL 32327  
City State Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3-20-25

Meeting Date

296

Bill Number or Topic

Fiscal

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Cindy Pearson

Phone 904-532-2570

Address 1701 Prudential Ave

Email pearsonc1@duvalschools.org

Jax  
City

FL  
State

32207  
Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Duval County School Board

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/30/25

Meeting Date

296

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Cassandra Urbenz

Phone (727) 641-2817

Address 916 NN 6<sup>th</sup> Ave  
Street

Email cassneurbenz@gmail.com

Gainesville  
City

FL  
State

32601 ♡  
Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)*

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

3-20-25

Meeting Date

SB 0296

Bill Number or Topic

Fiscal Policy  
Committee

Amendment Barcode (if applicable)

Name Sheryl Posey

Phone

Address

Email

Street

Orlando

City

FL

State

32817

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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This form is part of the public record for this meeting.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Fiscal Policy

---

BILL: SB 400

INTRODUCER: Senator Wright

SUBJECT: Interstate Compact on Educational Opportunity for Military Children

DATE: March 19, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ingram</u>	<u>Proctor</u>	<u>MS</u>	<b>Favorable</b>
2.	<u>Ingram</u>	<u>Siples</u>	<u>FP</u>	<b>Favorable</b>

---

## I. Summary:

SB 400 saves from repeal the provisions of law establishing and implementing the Interstate Compact on Educational Opportunity for Military Children (Compact). Participation in the Compact enables member states to address educational transition issues faced by military families as they transfer between states or school districts pursuant to official military orders.

This bill may have an insignificant negative fiscal impact. See Section V. Fiscal Impact Statement.

The bill takes effect upon becoming law.

## II. Present Situation:

### Interstate Compact on Educational Opportunity for Military Children

Children in active-duty military families face unique educational challenges. A military child changes schools on average three times more often than a non-military child.<sup>1</sup> Frequent moves may cause students to miss out on extracurricular activities and face obstacles in meeting requirements to graduate.<sup>2</sup> A military child experiences stress from gaps in education, difficulty in stopping and starting friendships, and repeated required adjustment to a new school setting.<sup>3</sup> Deployment of a family member exacerbates stress.<sup>4</sup>

---

<sup>1</sup> U.S. Dep't of Defense Education Activity (DoDEA). *The Military Interstate Compact*, available at <https://www.dodea.edu/education/partnership-and-resources/military-interstate-compact> (last visited Feb. 19, 2025).

<sup>2</sup> *Id.*

<sup>3</sup> Neil, Lori, U.S. Dep't of Education, *The Unique Needs of Students from Military Families*, available at <https://files.eric.ed.gov/fulltext/EJ1230690.pdf> (last visited Feb. 19, 2025).

<sup>4</sup> *Id.*

To provide transitioning military children greater educational stability and uniformity, in 2006, the U.S. Department of Defense (DoD), in concert with the Council of State Governments established the Compact.<sup>5</sup> The Compact only applies to public schools or to DoD Education Activity Schools.<sup>6</sup>

States join the Compact by enacting it into law, which Florida did in 2008.<sup>7</sup> Before the compact could go into effect, at least 10 states had to sign on.<sup>8</sup> This occurred in July 2008, when Delaware became the tenth state to adopt the Compact.<sup>9</sup> Currently, all 50 states and the District of Columbia are members of the Compact.<sup>10</sup>

The Compact applies to students who are children of:

- Active duty members of the uniformed services,<sup>11</sup> including members of the National Guard and Reserve on active duty orders;
- Members or veterans of the uniformed services who are medically discharged or retired for a period of one year; and
- Members of the uniformed services who die on active duty, for a period of one year following death.<sup>12</sup>

Excluded from the Compact are children of DoD personnel or federal agency civilians and contract employees not on active duty.<sup>13</sup>

The Compact accommodates military children in the following areas:

- Eligibility, including authorizing continued enrollment in the current school and reasonable accommodation for extracurricular participation;
- Enrollment, including in the production of education records, timing of immunizations, and flexibility in the entrance age of the child;
- Placement, including in accommodating original course and program placement, maintaining the same special education services as in the transferred school district, placement flexibility such as a waiver of prerequisites if similar coursework was already completed, and flexibility in absences due to family time with a deployed parent; and

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<sup>5</sup> Military Interstate Children’s Compact Commission, *Background*, available at <https://mic3.net/background/> (last visited Feb. 19, 2025).

<sup>6</sup> Military Interstate Children’s Compact Commission, *Frequently Asked Questions*, available at [https://mic3.net/wp-content/uploads/2023/08/FAQ-Final-Updates-2023\\_FINAL\\_2023.08.16.pdf](https://mic3.net/wp-content/uploads/2023/08/FAQ-Final-Updates-2023_FINAL_2023.08.16.pdf) (last visited Feb. 19, 2025).

<sup>7</sup> Ch. 2008-225, Laws of Fla.

<sup>8</sup> U.S. Army, *Delaware Becomes the 10<sup>th</sup> State to Ratify Military Education Compact*, (July 17, 2008), available at <https://www.army.mil/article-amp/10975> (last visited Feb. 19, 2025).

<sup>9</sup> *Id.*

<sup>10</sup> Military Interstate Children’s Compact Commission, *Interactive Map*, available at <http://www.mic3.net/interactive-map.html> (last visited Feb. 19, 2025).

<sup>11</sup> “Uniformed services” means the Army, Navy, Air Force, Space Force, Marine Corps, Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services. See Article II, s. R of the Compact, s. 1000.36, F.S.

<sup>12</sup> Military Interstate Children’s Compact Commission, *supra* note 6. Also see Article III, s. A. of the Compact, s. 1000.36, F.S.

<sup>13</sup> Military Interstate Children’s Compact Commission, *supra* note 6. Also see Article III, s. C. of the Compact, s. 1000.36, F.S.

- Graduation, including course waivers if similar coursework is already completed at another school, accepting exit exams from a sending state, and accepting a diploma from a sending school for a transfer during senior year so that a student may graduate on time.<sup>14</sup>

### ***Florida State Council***

The Compact requires member states to establish a State Council to coordinate the implementation of the Compact.<sup>15</sup> While each state may determine the membership of its own State Council, membership must include, at a minimum:

- The state superintendent of education;
- The superintendent of a school district with a high concentration of military children;
- One representative from a military installation;
- One representative from the legislative branch of government; and
- One representative from the executive branch of government.<sup>16</sup>

Additionally, the state must appoint or designate a military family education liaison and a compact commissioner. Each of these appointees, unless already a full voting member of the state council, shall serve as an ex officio member of the state council.<sup>17</sup> Florida's State Council, consisting of eight members, conducts meetings quarterly and typically via teleconference.<sup>18</sup>

### ***Military Interstate Children's Compact Commission***

The Compact establishes the Interstate Commission on Educational Opportunity for Military Children (Interstate Commission) to provide national-level oversight of the Compact.<sup>19</sup> The Interstate Commission, also known as the Military Interstate Children's Compact Commission,<sup>20</sup> may adopt and enforce rules and bylaws and perform various administrative functions necessary for day-to-day operations.<sup>21</sup> The Interstate Commission is comprised of one voting representative, known as a compact commissioner, from each member state.<sup>22</sup> Each state is entitled to one vote on Compact rule adoption or other business matters.<sup>23</sup> The Interstate Commission must meet at least once each calendar year.<sup>24</sup>

<sup>14</sup> Dep't of Defense Education Activity, *The Interstate Compact on Educational Opportunity for Military Children, Fact Sheet for Service Providers*, available at <https://dodea.widen.net/s/5fzm2hhlxc/interstatecompacttoolkit-ooreview-15june2015> (last visited Feb. 19, 2025).

<sup>15</sup> Article VIII of the Compact, s. 1000.36, F.S.

<sup>16</sup> Article VIII, s. A of the Compact, s. 1000.36, F.S.

<sup>17</sup> Article VIII, ss. B, C, and D, of the Compact, s. 1000.36, F.S., and s. 1000.39(3)(e), F.S.

<sup>18</sup> Military Interstate Children's Compact Commission, *Florida State Council Profile*, available at <https://mic3.net/state/florida/> (last visited Feb. 19, 2025).

<sup>19</sup> Articles IX and X of the Compact, s. 1000.36, F.S.

<sup>20</sup> Military Interstate Children's Compact Commission, *Interstate Compact on Educational Opportunity for Military Children, Compact Rules*, adopted 2009, amended 2023, available at [https://mic3.net/wp-content/uploads/2020/06/MIC3-Rules-Book\\_Dec2023\\_WEB\\_1-10-24.pdf](https://mic3.net/wp-content/uploads/2020/06/MIC3-Rules-Book_Dec2023_WEB_1-10-24.pdf) (last visited Feb 19, 2025).

<sup>21</sup> Articles IX and X of the Compact, s. 1000.36, F.S.

<sup>22</sup> Article IX, s. B of the Compact, s. 1000.36, F.S. The voting representative from each state is the state's compact commissioner.

<sup>23</sup> Article IX, s. B (1.) of the Compact, s. 1000.36, F.S.

<sup>24</sup> Article IX, s. D of the Compact, s. 1000.36, F.S.

The Interstate Commission is authorized to promulgate Compact rules that govern member states in the areas addressed by the Compact.<sup>25</sup> Compact rules have the force and effect of statutory law in member states and supersede conflicting member state laws to the extent of the conflict.<sup>26</sup> Compact rules must not exceed the scope of authority granted by the Compact. A majority of member state legislatures may invalidate a Compact rule by legislative action.<sup>27</sup>

### ***Review of Compact Rule Adoption***

Since its enactment in 2008,<sup>28</sup> Florida's Compact legislation has included a repeal provision that requires automatic repeal of the Compact after a period of time, unless reauthorized by the Legislature.<sup>29</sup> The repeal provision allows the Legislature to periodically review Compact rules and determine whether it agrees with any new rules or rule amendments adopted during the intervening period.

The Legislature last reauthorized the Compact and its implementing provisions during the 2022 Regular Session<sup>30</sup> and provided for repeal of the Compact and its implementing provisions on July 1, 2025, unless reviewed and saved from repeal by the Legislature by that date.<sup>31</sup>

### ***Withdrawal from the Compact***

The Legislature has the authority to withdraw from the Compact and repeal the statutes that enacted the compact into law at any time. Withdrawal from the Compact occurs when a statute repealing its membership is enacted by the state but does not take effect until 1 year after the effective date of the statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other member state.<sup>32</sup>

In addition, the withdrawing state must immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing the Compact, and would still be responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal.<sup>33</sup>

## **III. Effect of Proposed Changes:**

SB 400 repeals s. 1000.40, F.S., to remove the scheduled repeal of Florida's Compact under s. 1000.36, F.S., and the Compact's implementing provisions relating to payment of the annual dues assessment, the designation of the Compact Commissioner and Military Family Education

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<sup>25</sup> Military Interstate Children's Compact Commission, *supra* note 20.

<sup>26</sup> Article X, s. B and Article XVIII, s. B of the Compact, s. 1000.36, F.S. The Compact also provides that if any part of the Compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state. See Article XVIII, s. E. of the Compact, s. 1000.36, F.S.

<sup>27</sup> Article XII, s. D of the Compact, s. 1000.36, F.S.

<sup>28</sup> Chapter 2008-225, Laws of Fla.

<sup>29</sup> See ch. 2008-225, s. 5, ch. 2010-52, s. 3, ch. 2013-20, s. 2, ch. 2016-34, s. 2, ch. 2019-7, s. 1, and, ch. 2022-182, s. 2, Laws of Fla.

<sup>30</sup> Chapter 2022-182, s. 2, Laws of Fla. See s. 1000.40, F.S.

<sup>31</sup> *Id.*

<sup>32</sup> Article XVI, s. A of the Compact, s. 1000.36, F.S.

<sup>33</sup> *Id.*

Liaison, and the creation of the State Council under ss. 1000.361, 1000.38, and 1000.39, F.S., respectively.

The bill takes effect upon becoming a law.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The annual fee that member states pay as dues to the Interstate Commission is at the rate of \$1.15 per dependent child of a military family eligible for transfer under the Compact.<sup>34</sup> The total number of military connected students at the end of the 2023-2024 school year was 40,815.<sup>35</sup> Funding in the amount of \$45,187 for the dues was included in the 2024-2025 General Appropriations Act.<sup>36</sup>

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<sup>34</sup> Military Interstate Children's Compact Commission, *supra* note 20.

<sup>35</sup> Email from Steve Koncar, Deputy Chief of Staff, Florida Dep't of Education, to Cindy Brown and Tim Proctor (Nov. 22, 2024) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

<sup>36</sup> *Id.*

There is currently no notice of change to the rate charged per dependent child of a military family eligible for transfer under the Compact, which the annual fee is based. Therefore, the bill may have an insignificant negative fiscal impact, which will be based on the number of dependent children of a military family eligible for transfer under the Compact for the 2024-2025 school year.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill repeals section 1000.40 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

By Senator Wright

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A bill to be entitled

An act relating to the Interstate Compact on  
Educational Opportunity for Military Children;  
repealing s. 1000.40, F.S., relating to the future  
repeal of the compact; providing an effective date.

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

- Section 1. Section 1000.40, Florida Statutes, is repealed.
- Section 2. This act shall take effect upon becoming a law.

# CourtSmart Tag Report

Room: KB 412

Case No.: -

Type:

Caption: Senate Fiscal Policy Committee

Judge:

Started: 3/20/2025 9:00:10 AM

Ends: 3/20/2025 10:27:25 AM

Length: 01:27:16

9:00:13 AM Chair Gruters calls the meeting to order  
9:00:16 AM Roll call  
9:00:50 AM Chair Gruters makes opening remarks  
9:00:57 AM Tab 3, CS/CS/SB 138 by Appropriations Committee on Criminal and Civil Justice/Criminal Justice/Wright, Driving and Boating Offenses  
9:01:04 AM Senator Wright explains the bill  
9:03:46 AM Chair Gruters recognizes public appearances  
9:04:02 AM Trooper Susan M Barge  
9:05:20 AM Garrett Berman  
9:10:34 AM Aaron Wayt  
9:14:40 AM Senator Wright closes on the bill  
9:16:30 AM Roll call  
9:17:03 AM Tab 7, SB 400 by Wright, Interstate Compact on Educational Opportunity for Military Children  
9:17:12 AM Senator Wright explains the bill  
9:18:09 AM Senator Wright closes on the bill  
9:18:16 AM Roll call  
9:18:49 AM Tab 1, CS/SB 102 by Education Pre-K-12/Gaetz, Exceptional Student Education  
9:18:52 AM Senator Gaetz explains the bill  
9:20:27 AM Questions:  
9:20:31 AM Senator Davis  
9:21:12 AM Senator Gaetz  
9:21:47 AM Senator Davis  
9:22:15 AM Senator Gaetz  
9:22:43 AM Senator Davis  
9:23:28 AM Senator Gaetz  
9:24:15 AM Senator Davis  
9:24:30 AM Senator Gaetz  
9:24:53 AM Senator Davis  
9:25:04 AM Chair Gruters recognizes public appearances  
9:25:16 AM Shauntel Smith  
9:27:48 AM Debate:  
9:27:51 AM Senator Davis  
9:31:06 AM Senator Gaetz waives close on the bill  
9:31:15 AM Roll call  
9:31:44 AM Tab 2, SB 130 by Bradley, Compensation of Victims of Wrongful Incarceration  
9:31:49 AM Senator Bradley explains the bill  
9:33:10 AM Chair Gruters recognizes those who waive speaking  
9:33:40 AM Senator Bradley closes on the bill  
9:34:12 AM Roll call  
9:34:41 AM Tab 6, CS/SB 296 by Education Pre-K-12/Bradley, Middle School and High School Start Times  
9:34:51 AM Senator Bradley explains the bill  
9:36:29 AM Amendment #555368 by Bradley  
9:36:31 AM Senator Bradley explains the amendment  
9:37:30 AM Questions:  
9:37:33 AM Vice Chair Osgood  
9:37:53 AM Senator Bradley  
9:37:58 AM Vice Chair Osgood  
9:38:13 AM Senator Bradley  
9:38:23 AM Senator Bradley waives closes on the amendment  
9:38:29 AM Chair Gruters reports the amendment  
9:38:31 AM Back on the bill  
9:38:36 AM Chair Gruters recognizes public appearances

9:38:44 AM Chris Doulin  
9:41:18 AM Chair Gruters recognizes those who waive speaking  
9:42:47 AM Debate:  
9:42:49 AM Senator Passidomo  
9:43:44 AM Senator Simon  
9:44:38 AM Vice Chair Osgood  
9:47:20 AM Senator Gaetz  
9:47:46 AM Senator Yarborough  
9:48:15 AM Senator Bradley closes on the bill  
9:50:18 AM Roll call  
9:50:51 AM Tab 4, SB 234 by Leek, Criminal Offenses Against Law Enforcement Officers and Other Personnel  
9:51:06 AM Senator Leek explains the bill  
9:53:30 AM Questions:  
9:53:36 AM Senator Jones  
9:54:02 AM Senator Leek  
9:54:14 AM Senator Jones  
9:54:46 AM Senator Leek  
9:55:16 AM Senator Jones  
9:55:50 AM Senator Leek  
9:56:35 AM Senator Jones  
9:57:03 AM Senator Leek  
9:57:36 AM Senator Jones  
9:58:25 AM Senator Leek  
9:59:43 AM Senator Jones  
10:00:35 AM Senator Leek  
10:01:11 AM Senator Jones  
10:01:31 AM Senator Leek  
10:01:53 AM Chair Gruters recognizes public appearances  
10:02:09 AM Aaron Wayt  
10:07:16 AM Chair Gruters recognizes those who waive speaking  
10:07:29 AM Debate:  
10:07:31 AM Senator Jones  
10:10:31 AM Vice Chair Osgood  
10:13:12 AM Senator Leek closes on the bill  
10:16:27 AM Roll call  
10:17:10 AM Tab 5, SB 274 by Arrington, Transportation Facility Designations/Harris Rosen Way  
10:17:17 AM Senator Arrington explains the bill  
10:17:48 AM Amendment #142900 by Arrington  
10:17:50 AM Senator Arrington explains the amendment  
10:23:42 AM Senator Arrington waives close on the amendment  
10:23:50 AM Chair Gruters reports the amendment  
10:23:51 AM Back on the bill  
10:24:00 AM Debate:  
10:24:03 AM Senator Boyd  
10:24:55 AM Senator Davis  
10:25:36 AM Vice Chair Osgood  
10:25:52 AM Senator Arrington closes on the bill  
10:26:16 AM Roll call  
10:26:48 AM Chair Gruters recognizes those wishing to record votes  
10:26:51 AM Senator Calatayud  
10:27:13 AM Senator Boyd moves to adjourn  
10:27:17 AM Meeting adjourned